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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By G. W. PROTHERO, Litt.D., LL.D.

Delivered February 16, 1905

IT has been my practice on former occasions, when I have had the honour of addressing you from this chair, to review briefly the noteworthy events of the past year, and to conclude with some general remarks on matters that seemed likely to be of interest to the Society. I may be allowed to follow the same plan to-day.

The life of corporations like ours, societies which aim at maintaining and promoting a particular branch of learning, is not likely to be eventful. Our doings are of little interest to any outside our own body: to the great mass of the public they are practically unknown. We may have our phases of comparative activity or lethargy, our ups and downs of prosperity or decadence; we may even pass through internal storms and crises, which produce an effect on our subsequent history for good or ill. But for the most part we pursue the modest and even tenor of our way.

Of storms and crises, I am thankful to say, we have none, during the term of my presidency, to record. It may be a doubtful proposition that nations are happy which have no

history; but if it be true, and applicable to smaller bodies, then we may be accounted happy. I have no exciting tale to tell. Year by year we have held our regular meetings; we have listened to a number of learned papers; we have spent—at least your council has spent—a considerable amount of time in managing the business of the Society; we have published a round dozen of volumes, which, I fear, few people read but ourselves—and how many even of ourselves I leave you to say; we have occasionally broken out in humble efforts at social entertainment, mild tea parties in which we have endeavoured to mingle the *utile* and the *dulce*, to give our amusements, if not our tea, a certain historical flavour.

Meanwhile we have done our best to promote an interest in the subject for which we exist, and especially to enable serious and careful students of History to lay the results of their research before the world. Individually these contributions may be of no great moment; but they add, each one of them, to the sum of human knowledge on a subject of the highest interest to humanity, and they form the materials without which the great historical architects, the Grotes, the Freemans, the Rankes, could not raise those large and noble edifices which summarise from time to time the visible progress of historical science. In every year of our existence we produce a volume of 'Transactions' containing, for the most part, original contributions to historical knowledge, and two volumes of memorials, letters, accounts, and other documents which are gradually rendering available the vast bulk of historical evidence that lies hid in public and private libraries throughout the kingdom. Of the volumes for 1904 one is a valuable collection of despatches relating to the formation of the Third Coalition against Napoleon in 1804–5, edited by Dr. J. Holland Rose, well known to a large circle of readers as the author of the best Life of Napoleon in the English language. The other, which is now passing through the press, is a collection of documents throwing light on the growth of Presbyterianism in England in the time of Queen Elizabeth, edited by Mr. R. G. Usher, a

graduate of Harvard—a valuable contribution to the history of a little-known subject, of great importance in the annals of our Church. It is a long business, this, on which we are engaged. It may well seem endless. And yet historical material is not unlimited. When all that is of value in that mass of evidence is printed and published, our work, at least in this direction, will be done; but the time of this achievement is still far distant, and we at least need have no fear that the source of our material will run dry. We might indeed hasten the completion of our task if we had more workers and more funds; and if the funds were there, I have little doubt the workers would be there also. It is incumbent, therefore, on all members of this Society to do their best to increase its numbers, for members mean subscriptions, and more subscriptions mean more publications; and if anyone has wealth to spare he can endow us with this object in view. Meanwhile we must go on as best we can, confident that we are discharging a useful if humble task, and approaching that consummation which all historians must desire.

I have said that our history has been uneventful; but some things have happened during the past year which I may here record for the benefit of posterity. I have spoken on previous occasions of our migration from St. Martin's Lane to our present rooms, of the revision of our by-laws, of the changes in our official body. To these therefore I need not refer further now. But one change took place last year which I ought not to pass over. Some months ago our respected and beloved Treasurer, Mr. Hovenden, was compelled by ill-health to resign an office which he had held, with great benefit to the Society, for many years. I take this opportunity of tendering to him, on behalf of the Society, our warm thanks for his long and invaluable services. We have been fortunate enough to secure the assistance of Mr. H. R. Tedder in his place. Mr. Tedder's large and varied experience as librarian and secretary of the Athenæum and as one of the founders of the Annual Conference of

Librarians, his knowledge, energy, and business capacity, make his appointment a subject of congratulation to the Society.

Our finances, I am glad to say, are in a condition as satisfactory as can be expected. During the past year, the Council appointed a special committee which made a searching inquiry into our financial position. Their report, which was carefully examined by the Council, enables us to feel secure as to the future, though the margin leaves no room for extravagance. In order to bring our income and our expenditure into perfect harmony, we shall be obliged for some time to exercise self-control; but, with strict economy and careful management, we shall be able to devote 400*l.* yearly (that is, nearly two-thirds of our income) to our primary object—the publication of a volume of Transactions and two volumes of Camden books every year.

Our numbers during the last four years have kept up, but I regret that we cannot say more. We have lost by deaths, resignations, and removals from the roll, a hundred and twenty-four Fellows, besides three Honorary Fellows and one Corresponding Member. On the other hand, we have elected a hundred and twenty-nine Fellows since February 1901. So far, we are practically 'square'; but we have admitted thirty-five subscribing libraries; and this gives us a balance on the right side. I cannot regard this state of things as satisfactory. We ought not to be content with a stationary membership; and so long as it continues stationary we cannot hope to become as influential as we might be, or to carry out the aims we ought to have in view.

In this connection I may mention that the Council has adopted the plan of appointing, in the great centres of study and learning, local secretaries, to act as a sort of 'recruiting sergeants,' and to beat up young and active soldiers for our ranks. Such helpers we now have in Oxford, Cambridge, and Manchester. We shall probably nominate others elsewhere; and I hope that this measure may produce some effect. But every member of the Society can help; and it is by private efforts, not by public invitations, that the thing

can and must be done. It is only by such private and individual efforts, continued for some years past, that our numbers have been prevented from suffering an actual decrease. We do not, indeed, desire to admit anybody, whether qualified or not, who may regard it as advantageous to put the letters F.R.Hist.S. after his name. On the contrary, we desire to make membership of the Society in some degree a distinction, or at least a mark of genuine interest in, and some knowledge of, historical science. But, with this restriction, we want as many members as we can get; and there must be many persons who might be, but are not yet, members of our body. I would urge, therefore, upon all members of the Society, and especially on the Council, to bear this constantly in mind.

The death-roll of the past year is not so heavy as it has been in some of the previous years of my presidency. We have not to mourn such losses to historical science as were involved in the deaths of Bishop Stubbs, Bishop Creighton, Lord Acton, Mr. Gardiner, Mr. Lecky, Konrad von Maurer, or that greatest of them all, Theodor von Mommsen. But death is always busy, and he has taken from us some whom we could ill spare. Amongst those who have disappeared from our list I may mention Sir Albert Woods, a leading authority on heraldry, and for thirty-five years Garter Principal King-of-Arms. A more widely known figure departed in Sir Henry Stanley. He made history rather than wrote it; but the vivid and picturesque records of his travels, which form in some sort his autobiography, are historical documents of real importance. They illustrate, with much force of character and considerable literary skill, the old adage, 'ex Africa semper aliquid novi'; and they will be valuable to the historian of the future as marking, along with the works of other great African explorers, the date at which Africa, as a whole, became for the first time a primary factor in European, and especially British, politics.

The death of Sir Leslie Stephen, who was one of our Honorary Vice-Presidents, removed one of the most brilliant

writers and one of the sanest literary essayists of the past generation. If to contribute largely to the knowledge and understanding of literature, to trace the sequence and connection of literary ideas, to estimate the great works of the past in the light of contemporary conditions—if this is to contribute to the knowledge of History, as I believe it certainly is, then we may claim for Sir Leslie Stephen a place in the ranks of eminent historians. But many of his writings were more direct contributions to historical knowledge than the admirable essays to which I have referred. As editor of the 'Dictionary of National Biography,' as writer of many of its best lives, as the sympathetic and discriminating biographer of his brother, Sir James Fitz-James Stephen, of Henry Fawcett, and of J. R. Green, he contributed directly to our knowledge of the times in which his subjects lived and moved. In his larger works on 'English Thought in the Eighteenth Century' and on 'The English Utilitarians,' he discussed the nature and growth of potent ideas which have had great influence on the national evolution. It was not, it is true, the historical side of these subjects that chiefly interested Stephen. On the contrary, what he thought most about was the ideas and reasonings of the philosophers, the literary value and flavour, the literary forms and methods of expression adopted by the poets and prose-writers, who passed under his view. He enjoyed these things as a philosopher and a scholar; he explored them with rare insight, estimated them with sound judgment, illuminated them with the dry light of critical intelligence, played about them with a shrewd humour peculiarly applicable to the men of the eighteenth century of whom he was specially fond. But from our point of view it is particularly interesting to note that he treated both philosophy and literature as parts of a great evolution, and regarded the writers whom he criticised not only as worth studying in themselves, but as links in an endless chain. That is the historical view; and, by virtue of it, Stephen was not only a great critic, he was a great literary historian. Of the charm of his conversation, the value of his friendship, the calm and

happy courage with which he faced death, this is hardly the place to speak.

The last of those whom I have to mention in this connection to-day was F. York Powell, Regius Professor of Modern History at Oxford, and an Honorary Fellow of this Society. Those who knew York Powell will not readily forget the attractiveness of his personality, his large and genial heart, his capacity for friendship, his thirst for knowledge, his keen enjoyment of life and art, his rapturous appreciation of literary excellence, his generous sympathy with other men's work. Of Norse history and literature he was a thorough master; and his share in the great 'Corpus Poeticum Boreale' was his chief distinction in the field of letters. In early English annals he was deeply read. His little 'History of England to 1509' displays, more clearly and charmingly than any similar book with which I am acquainted, the light which may be thrown upon history by contemporary literature. He produced, indeed, comparatively little; he loved reading a great deal better than writing; it was hard, indeed, to say what he had not read of literature and history that is worth reading. With a strong dash of the Bohemian in his ways and character, he brought into somewhat close academical circles a gay and breezy atmosphere, as of a light-hearted seafaring man. With little of the professor in his bearing and appearance, he stimulated industry and research in many pupils, and was always ready to place at the disposal of any genuine student his wide learning, skilful direction, and imaginative power.

Let me now remind you of one or two events, not of direct, but of considerably indirect, interest to historical students, which have happened during my tenure of office. The creation, in 1902, of a British Academy for the promotion of historical, philological, and philosophical studies was thought by some to be likely to interfere with the activity and efficiency of special societies like ours. Your Council thought otherwise, and welcomed the establishment of a body which should eventually gather into itself what is most prominent

in the several departments of humanistic as opposed to natural science. Whatever else has resulted, the alarmists have been shown to have had no cause for alarm. The Academy has existed nearly three years, but it has not diminished our activity, nor has its greater light dimmed our modest glow. We are glad to see a good number of our members included in its lists ; we wish it every success, and trust that it may eventually justify its existence.

Another institution, whose aims come more closely in contact with our own, has recently been established. I refer to the British School at Rome, founded on the model of the British School at Athens, which has for a good many years enjoyed a high and well-deserved reputation. Three or four members of the managing committee of the School at Rome, including the Chairman, are members of our body : its work, the elucidation of the history, art, and antiquities of Rome, is of interest to every historian. Though so youthful a body, it has already published two excellent volumes, one of great value to the archæologist, the other to the student of sixteenth-century architecture. Like most other bodies devoted to the exploration of antiquity, it exists without support from either the Government or the wealthy classes in this materialistic England of ours, but it exists with difficulty ; and I would strongly commend its claims to those rare individuals who combine long purses and a taste for the promotion of research.

Another object of benevolence which I should like to recommend is our own library. A good working library is an indispensable equipment of every scientific society. Its members should be able to find within its walls at least those books which are commonly used by students of the subject which it represents. An historical society does not differ from other learned societies in this respect. Historical books are especially apt to be voluminous and expensive. It costs most students much time and money to collect a working library even for those departments or periods in which they are specially interested ; for many, especially the younger

ones, whom we are particularly anxious to assist, the possession of such a library is practically out of the question. Again, the country members of our Society, and foreigners visiting London, constantly have occasion in the prosecution of their inquiries to consult historical works of a general character. But where are they to find these books? It may be said there is the Reading Room of the British Museum, and the Public Search Room of the Record Office. But the Record Office provides, in this line, little beyond catalogues and calendars, and such books as are specially required for research among the records; and all who have used the Reading Room of the British Museum are aware of the difficulties which inevitably attend its use—the delays in obtaining the books required, the frequency with which it happens that other people want them and have got there first, and other causes which diminish the utility of even that splendid institution.

Now, what I wish to see here, in our possession, is a collection of such books of general utility as historical students constantly need in the prosecution of their researches. We should not attempt to specialise, unless perhaps in British History, in which, naturally, most students who come here to work would be primarily interested. Our present library is strong in one direction, and in one direction only—namely, in the publications, occasional or periodical, of foreign historical societies, which we obtain by means of exchange. These, as being very difficult to obtain elsewhere, form a valuable collection, one which we can maintain and keep efficient at small cost, and one which I hope we shall always maintain, and even expand in future. But the papers contained in these volumes, being for the most part highly specialised, are not of general utility; and of the works that I am contemplating we possess hardly any at all.

What we want to begin with is books of biographical reference, such as the 'Dictionary of National Biography,' the 'Biographie Générale,' or Chevalier's 'Sources historiques du Moyen-Age.' We want a complete set of historical bibliogra-

phies, such as those of Potthast, Duffus-Hardy, Gross, Monod, Dahlmann-Waitz. We want books on chronology, such as 'L'Art de Vérifier les Dates' or Mas Latrie's 'Trésor de Chronologie.' We want aids to Historical Geography and Historical Atlases—Spruner-Menke, Droysen, Schrader, the Oxford Atlas—and books like Freeman's 'Historical Geography of Europe.' We want general treatises on coins, seals, palæography and diplomatics. We want genealogical works such as those of Doyle and Nicolas. These and many others are books that no historical library ought to be without. They are the tools and equipment of the historical student, as necessary to him as a hammer to a geologist, a pair of scales to the chemist, or a microscope to the botanist. Next we require such general surveys of the world's history as the works of Weber, Lavisse and Rambaud, and the Cambridge Modern History, to mention only three specimens of a class large in bulk if not in number. Then we ought to have standard works on the history of different States—to take this country alone, Freeman, Stubbs, Pauli, Froude, Gardiner, Macaulay, Lecky, Walpole. We ought to have general and authoritative works on ecclesiastical, constitutional, military, literary, economical and social history: to mention only the leading names in these departments would be wearisome and unnecessary. We ought to have the publications of learned societies, such as the Surtees Society and the Society of Antiquaries, the Reports of the Historical MSS. Commission, the Calendars of State Papers, and other treasure-houses of historical lore. We shall want a complete set of the 'Victoria County History,' which when finished will number some 150 volumes. Above all, we should possess such indispensable works of reference as Rymer's 'Fœdera,' Dugdale's 'Monasticon,' Kemble's 'Codex' or Birch's 'Cartularium,' the Statutes, the Rolls of Parliament; and for foreign countries such collections as the 'Monumenta Germaniæ,' or those amassed by the labours of the French Benedictines.

But enough of description and enumeration. I have made sufficiently clear my general notions of the library which the

Royal Historical Society ought to possess. It is far, very far, from possessing anything of the sort at present. I shall be answered, no doubt, by the objections, only too just in themselves, that we have neither the money to buy these books nor the room to store them if we had them. We exist primarily for the making and publication of books, not for the buying and keeping of them. This is true enough: this is the limit of our present aims and utility. But I desire to see this Society something more than a publishing society. I desire to see it placed in a better position for the promotion and encouragement of historical study. Its rooms should be a centre where all historians, British and foreign, may meet—an armoury where all persons engaged in historical research may find the weapons necessary for starting and carrying on their work. And to this end a large library is essential. Let us at least endeavour to get the books. If the Society grows, as I hope it will grow, in numbers and in wealth, we may come to occupy larger rooms in which we may store them.

Of such a collection as I contemplate we can any day make a beginning. I would suggest the establishment of a Library Fund, which must be supported by voluntary subscriptions, for our regular income is fully charged already. I would suggest, further, that members should give such books as they do not require for their regular personal use; or they may deposit them in the library on loan for the use of students. Authors, again, may at least give copies of their own books, if of sufficient value, and of the kind that we really want. Some such condition is necessary, for parents are proverbially bad judges of their own offspring; and our shelves have in times past been overloaded with gift-books of little or no value. But in looking down our list I can see the names of many authors whose works are of real use and would form valuable additions to our library. If we had only these works, we should at least have made a good beginning. The Library Committee should exercise a wise discretion in regard to what they accept and what they decline. They should also severely weed out obsolete publications. A library of this kind

should be kept up to date; we do not want one, we have no room for one, of merely antiquarian or bibliographical interest. It is a *working* library that we require.

To these remarks I should add that we already possess some manuscripts of interest and value; and it appears to be the ambition of some among us to enlarge this nucleus. But it is not in this direction that, in my opinion, we should endeavour to expand. We can never attain to anything noteworthy or even useful in this line. For our purposes what would be far more useful would be a collection, as complete as we can make it, of facsimiles. I need hardly remind you of the excellence to which photographic reproduction has now attained. Many collections of such facsimiles are now in existence; the Palæographical Society publishes a considerable number every year. I would therefore deprecate the spending of any of the Society's funds on the purchase of manuscripts; but I should warmly support the purchase of facsimiles. Such a collection would form an invaluable element in our library. Well, it is a large aim I have set before you, but I believe it to be a useful, indeed an indispensable, aim; and I believe, further, that with time, patience, knowledge, and determination, it is attainable. I recommend it to the serious consideration of the Council and of the Society at large.

On several previous occasions I have called your attention to a movement which, though the Society in its corporate capacity cannot, in accordance with its constitution and expressed aims, take any share in it, was started and has been carried on, almost entirely, by members of our body. I refer to the efforts that have been made to establish in London a school of Advanced Historical Teaching, which strives, by teaching the methods of historical research, by practice in the reading and explaining of manuscripts, by lectures on advanced departments of historical study, to equip the student who is anxious to do original work—in short, to turn out trained historians. The aims and methods of this

movement have so often been set forth, by myself from this place, by published reports, and in other ways, that I need not dwell upon them again. I will only call your attention to three points. One is, that such a school as we desire to establish does not at present exist in this country, that it does exist in other countries, and that for various reasons no place in this country offers such advantages as London for setting up such a school. In the second place, what we contemplate is not an elementary school of History, but a school of what has come to be called at the universities 'post-graduate' study and research. The third point is that we have, as yet, only been able to make a beginning; that lectures and instructions, such as we have hitherto been able to give, form only a fragment of the complete scheme as its founders have imaged it to themselves; and that we desire to add to the courses hitherto given lectures of an advanced character, not only on the auxiliary sciences (*Hülfswissenschaften*) mentioned above, but on the various departments of history—ecclesiastical, constitutional, economic, and other—both in regard to foreign countries and our own. In short, we desire to establish a complete school of Advanced Historical Science, after passing through which a student may be able, like the British soldier of olden times, 'to go anywhere and do anything.'

At the outset we obtained a sum of money—half of which was contributed by one generous benefactor, Mr. Passmore Edwards—sufficient to set on foot two lectureships, which have been kept going, with highly satisfactory results, during the last three years. But our funds were sufficient only for this period; and, had we been unable to get more, we should have been compelled to allow the movement to die of inanition. Believing that our experiment is a promising one, and one that is capable, if adequately supported, of issuing in an institution of the highest value to historical science, and therefore beneficial to the interests of the nation at large, I conceive that the enforced cessation of our efforts would have been a very unfortunate occurrence. Fortunately such

an issue has been avoided for the present. By the expenditure of much individual effort, by the writing of many letters, by shameless begging, by the advocacy of distinguished persons at a public meeting held a fortnight ago and, last but not least, of a 'leader' in the 'Times,' we have collected, in payments or promises, about 575*l.*—a sum of money nearly sufficient to keep on foot two lectureships, at 100*l.* each, for another period of three years.[1] That result, though in a sense satisfactory, is hardly such as I could have wished; for it must be our aim, as I have said, to extend the area of our teaching, to establish other lectureships, or, better still, professorships, and, above all, by means of a permanent endowment, to place the scheme upon a stable footing. We are far removed, as yet, from such success. Still, we have at least obtained a reprieve; we have another period of three years in which to justify our claims before a sceptical and materialistic world. Let me recommend to you, to the Society at large, and to your friends outside, this scheme as worthy of encouragement and active help. In other countries, in Germany and France, the governments are not slow to grant public money for the support of such scientific and ideal aims. Here, in the richest country of the world, there is no money for such a purpose. We cannot expect it: we must help ourselves. I trust we shall do so, and establish eventually a School of History worthy of the name.

The last subject which I wish to bring before you to-day is that of our monthly meetings. These meetings have been regularly held; and through the diligence and good management of our Literary Director, we have never been without

[1] Further subscriptions or donations will be gratefully received by the Hon. Treasurer, Mr. H. R. Tedder, The Athenæum, Pall Mall, S.W. I desire to place it on record that among our subscribers are two German friends, Dr. F. Liebermann and Professor Salomon, both of whom, having advanced the history of this country by their learning, are now generously assisting the study of it by their purse. I should add that among the most prominent donations are one of 50*l.* from Mr. and Mrs. Fels, and another of equal amount from the Clothworkers' Company; and that Lord Davey has promised a subscription of 30*l.* and Mr. W. E. Darwin one of 20*l.* each for three years.

papers of value to the historical student. The meetings have, as a rule, been fairly well attended; and the papers have frequently been followed by interesting discussions, in which members of the Society, and occasionally strangers of distinction, have taken part. Nevertheless it seems to me that some improvement is possible in this direction.

In regard to the papers and meetings, we are met at the outset by a considerable difficulty. Papers containing original matter, the fruit of independent research, are not always very suitable for discussion, or of sufficient general interest to attract an audience. Yet it is only papers containing original research that we can or ought to publish in our 'Transactions'; and we can hardly expect busy men to compose, with the sole object of producing discussion, papers which they would not have the satisfaction of afterwards seeing in print. Now, if we cannot combine the two objects, if we cannot get a paper which at once contains matter of original research and matter that is likely to produce an interesting discussion, then we must be content with attaining the former object. But I think it may be possible to infuse a little more interest into our proceedings, and to render our papers a little more suitable for their immediate purpose, than is sometimes the case. There are three ways in which this may be done. In the first place, we may somewhat enlarge the habitual scope of our inquiries. Secondly, while keeping in view the aim of ultimate publication, the papers might be so modified as to put forward clearly and concisely, for the purpose of being read at a meeting, the problem under review. Thirdly, the authors might, generally speaking, pay a little more attention to arrangement and literary form. I will take these matters in order.

First, then, I observe that the papers published in our 'Transactions' during the last four years have been, with very few exceptions, confined to English History. Out of twenty-four papers, only two are on foreign subjects, though two or three more, while primarily concerned with English affairs, have touched Continental history. Nearly half the

papers—eleven out of twenty-four—have dealt with the medieval period. There have been only two on the history of the nineteenth century. There have been no papers on Greek or Roman history, none in fact on any period before the Norman Conquest. The first direction, then, in which we may enlarge our scope is by paying more attention to both the earlier and the later periods, and to other nations than our own. I would suggest that we have been somewhat too exclusively insular and mediæval. Another direction is that of practical discussions on matters of immediate interest to historians, such as the teaching of history in schools, the organisation of local societies, historical bibliography, the endowment of historical research, and kindred subjects. Discussion on such topics would not, indeed, enlarge the bounds of historical knowledge, but it might enable us to bring the importance of historical work with more force and harmony into public notice, and thus to promote the cause of the subject we all have at heart. This I conceive to be quite within the legitimate province of such a Society as ours.

Secondly, the authors of papers should bear in mind the conditions under which papers have to be read. I am well aware that there is considerable difficulty already in finding papers for all our meetings. To increase the authors' labours would enhance that difficulty. That the papers come before us, as a rule, in an intelligible form, and compressed so as to be read within the limits of the time allotted, is often due to the intervention of our untiring Director. I would respectfully urge upon those who are good enough to provide papers for our instruction, that they should, if the paper is a long one, prepare an abstract of it, as full as circumstances allow; or mark such portions of it as may be read aloud with profit; or so modify it, expanding here, curtailing there, supplementing where necessary with notes or explanations, as to fit it for the immediate purpose in view. This is a practical, some may think a trivial, matter; but it is one of real importance, if our meetings are to be as satisfactory as we should wish them to be.

Lastly, there is the question of literary form, a question which opens up the whole subject of the connection between History and Literature, and more especially the inquiry how far and in what way literary considerations enter into the writing of History. This is a large subject, which I should like to explore fully, but can only touch on briefly at the conclusion of an address already long. The other day we were told by a distinguished authority that History has nothing to do with Literature, that such a connection is fatal to historical research, and that literary History is bad History, because History is a science, and he who would be a true historian must think of History as a science and nothing else.

Now, in criticising this view, I do not wish to be understood as adopting the opposite view that History merely is a branch of Literature. This, it appears to me, is a view at least as erroneous as the other, and more dangerous. It was, however, widely prevalent in former days, and is still held by many persons who are either so ignorant of historical research or so sceptical as to the possibility of attaining historical truth, that they regard History as nothing more or less than a work of the imagination. In our own day, this view has been sufficiently refuted by the highest authorities—by Seeley, Freeman, Droysen, and many others—as well as disproved by the practice of modern scientific historians. We can no longer doubt that History, if not exactly a science, can be scientific, ought to be scientific, and is unworthy of the name of History if it is not scientific. But, granting all this, it does not follow that History has no concern with Literature. In my opinion, such a view, if generally adopted, would not only be fatal to the influence which History should exercise in the world, but ultimately, by making the subject distasteful and repellent, would be extremely detrimental to the study itself.

The connection between History and Literature is, I conceive, twofold. In the first place, Literature is itself part of the subject-matter of History—part of that vast

material which is nothing less than the whole recorded activity of the human race. Of that activity literary productions form an essential and important part; and the history of Literature, like that of Art or Science, is part of History in its broader sense. These departments do not indeed touch the life of a people so generally or so intimately as those of Government, War, or Trade; but they cannot be neglected by any one writing on the general history of a nation. No epoch of the past to which a great literature belongs can be understood without reference to that literature. I do not mean to say that the literature of a country or an age will fully explain that country or that age. There is much in the life of a people on which Literature throws little or no light. It will even sometimes throw a deceptive light, if we attribute the thoughts and aims of genius to a nation as a whole. On the other hand, there is much in Literature which has little or no connection with History. But on many sides and over broad fields History and Literature are in close contact.

While Literature does not help us much, for instance, in regard to the development of the British Constitution, it is otherwise with the great currents of thought and feeling which move national life this way or that, and are mightier than kings or parliaments. The ideas and aspirations which build and split up Churches, and create and destroy empires —these are not to be understood without a knowledge of the writings which embodied those ideas or stimulated those aspirations. Who can understand imperial Rome without a knowledge of Virgil, or medieval Italy without Dante, or the Elizabethans without Hooker, Spenser, and Bacon, the Puritans without Milton and Bunyan, the French Revolution without Rousseau and Voltaire? So much is indeed obvious; but it is not only the great names that tell; authors who are not in the first class will often throw more light on the characteristics of a period or a people than the men of genius who soar above the crowd.

I need not labour this point; I do not imagine that the

distinguished historian to whom I just now referred would differ from me here. But it is worth insisting on, because a neglect of Literature is unfortunately frequent with writers on general History. Such writers too often regard the history of Literature as a thing apart—something for literary men to deal with, not for historians. But it is *not* a thing apart; and to regard it as such is as gross an error as to omit moral character and the strength of ideas in calculating the power of nations—such an error, in fact, as we committed in supposing that a few defeats in the field would suffice to crush the resistance of the Boers, or as the Russians committed in leaving 'Bushido' out of account in their conflict with the Japanese. I cannot help emphasising this fact when it is so often forgotten. I read recently in a work on the making of the German Empire—in many respects an excellent work—that the dominance of Prussia and the consequent union of Germany were due to the Zollverein and the needle-gun. Now, apart from the fact that it is not so much the gun that matters as the man behind the gun, this explanation does not go deep enough. We may fairly ask, what induced Germany to acquiesce in the dominance of Prussia?—for no one supposes that Prussia could have permanently dominated an unwilling Germany. Surely nothing but the consideration that thus, and not otherwise, could the union of Germany be accomplished. And what lay at the root of the aspiration after political union, of the conviction that, spite of her political divisions, Germany *was* one? Was it not, before all things, the possession of a common literature, and of common ideas and opinions embodied in that literature. The needle-gun, indeed! It was Goethe and Schiller, Kant and Arndt and Körner, that inspired that conviction and welded the German nation into a single whole. I do not under-estimate the needle-gun and the Zollverein; still less do I undervalue Bismarck and Moltke; but I doubt if they would have accomplished their task but for the common possession of 'Faust' and the 'Kritik' and such songs as 'Was ist des Deutschen Vaterland?'

I have spoken of one strong link that binds together History and Literature. The other is the fact that, as the development of Literature is part of the material of History, so the writing of History is a branch of Literature. This is the point in dispute. I say 'the *writing* of History.' I do not mean historical research, the exploration of archives, the weighing of evidence, the determination of dates, and all that laborious, semi-scientific sifting of materials which must underlie all original and valuable historical work. Nor do I mean the further mental process which consists in co-ordinating the results of research, in deducing a chain of cause and effect, in estimating character and motive—a process which also is semi-scientific, as the summing up of a judge in a trial at law is semi-scientific. What I refer to is the final process of converting the results of this preliminary labour into a book—in short, of *writing* History.

A well-written book is a work of art; and the writing of History partakes at least as much of art as of science. If it is said that History is science, I reply that History is *not* science, and never can be science in the proper sense of that word—the sense that applies to Astronomy, to Physics, or to Biology—the sense that differentiates science from knowledge. I grant that the preliminary processes are scientific, or rather semi-scientific; for absolutely scientific they cannot be. The ascertaining of facts, the drawing of conclusions, are or should be carried on by processes as nearly scientific as the nature of the material permits, otherwise we shall not get true history; and if history is not true, or as true as we can make it, it had better remain unwritten. But in compacting these results into a finished whole, in laying them before the reader, we pass into another field—the field of art. Conversely the painter and the sculptor, though primarily concerned with art, must have some knowledge of science—the science of perspective, the science of anatomy. These underlie the picture or the statue; but the result is a work of art. And Literature is a branch of art; when a book or a piece of writing ceases to be artistic, it ceases to be Literature.

No one will dispute the statement that a sonnet of Dante or of Milton is a work of art in the fullest sense of the term. What is apparent in the best poetry is perhaps less obvious in prose; but in all great prose literature it is present in a high degree, both in structure and in style.

History surely falls under the same rules. But, first, let us consider for a moment what Literature is. From what is clearly Literature we pass by imperceptible gradations to what cannot be dignified by that name. We know that Walter Scott is Literature; we know that a blue-book is not; but it is difficult to draw the line. To define Literature is almost as hard as to define Poetry; but we may at least say that a literary work must possess certain qualifications. Its content must be such as to stir the imagination and the emotions, to excite wonder, reverence, sympathy, curiosity, grief or joy, tears or laughter; secondly, it must have unity and cohesion, must follow one main thread and keep one chief aim consistently before it; thirdly, the parts and arrangement of the work must follow a definite and intelligible order; lastly, the language must be clear, rhythmical, appropriate—in other words, it must have style. By these qualifications—content, unity, order, expression—we judge a literary work, and the greatest literary works possess them all in the highest degree.

I may appear to have wandered somewhat far from my theme; but, if we are to determine how far History is or should be literary, we must have some idea of what we mean by Literature. I offer this, then, as a working definition. How far does it apply to historical work? No one, surely, will dispute that what are by common consent the greatest historical works possess the qualifications that I have named, and are literary in the fullest sense of the term. The works of Thucydides and Tacitus, Bede and Commines, Clarendon, Hume, Gibbon, Macaulay, Taine and Michelet, Mommsen and Ranke, are surely Literature. But, it may be replied, much of what was written by these great authors—some at least of them—is not History. This cannot be gainsaid;

but it is not their literary character that makes it true. Take away from Clarendon and Michelet, for instance, all that is *not* History—all the errors and exaggerations which prejudice, ignorance, or wilful distortion may have imported into their work; let them be purified in the fire of criticism; let nothing remain but what is historically true; yet their literary character is not destroyed by the process. They still tell a noble and inspiring tale; they have unity, they have order, they have style. And this it is that enables them to endure, that gives them an eternal place in the Temple of Fame. Most men, if they were asked who is the greatest of modern historians, would name Gibbon. And why? Because, while others have been equally trustworthy, others as learned, others again have possessed as fine a gift of expression, he is the writer who combines in the highest degree the great qualities of the historian—learning, truthfulness, lucidity, order, judgment—with the more purely literary qualities of rich but restrained imagination and style. The fact is that you may tell the truth, the whole truth, and nothing but the truth, but unless you tell it well, the world will not pay attention, at all events not for long. It is by style that a book lives. Indeed, there are bad books—bad, that is, in their content, false books, corrupting books, that have lived by their style when they should long since be dead. This is evidently the case with History. The errors of Clarendon would long ago have ceased to influence men's conceptions of the seventeenth century, were it not that they were perpetuated by his consummate style.

Literary character, then, is indispensable if a book is to live; and, in what makes literary character, above all things style. And what is style? Nothing is more difficult to define, but most of us can recognise it when we see it. Style is essentially various. There is no one manner of expression which can monopolise the claim at the expense of others. A great Frenchman said that 'style is the man.' The epigram does not mean that a bad man cannot write well: this would be carrying the matter too far; what it means is that no

writing can be said to have style which is not distinct, personal, characteristic. And that this is so a page of any of the great historians I have named would be enough to prove. Still the quality thus predicated of style does not supply us with a complete criterion. A style may be individual, and yet may be intolerably bad. We want a definition. Let Aristotle supply it. He tells us that style is the art of 'saying things clearly, without meanness.' Let us be content with that, and apply the definition to the problem before us. Now, even supposing History to be science, does it follow that it can dispense with style? Far from it. The exposition of purely scientific facts and theories, if it is to be accomplished by words and not by mathematical symbols, requires more or less literary skill. Newton's 'Principia,' to say the least, is by no means devoid of style. To take a modern instance, Darwin's 'Origin of Species,' a work based on years of scientific research, is, in its finished form, a work of art. It is a book which in its structure and arrangement, and in its simple and appropriate language, displays literary merits of a high order. Bagehot's works, again, 'Lombard Street,' 'Physics and Politics,' 'The English Constitution,' are models of thoughtful scientific exposition, which owe much of their success to their literary character. I would go so far as to say that even those books which contain the greatest verities, which come nearest eternity—the Bible itself—depend immensely, no one can say how much, upon their style. No scientific book, be it philosophy, or natural science, or economics, can expect to live unless it 'says things clearly without meanness.' Does Plato gain nothing by the beauty of his language? And if philosophy is allowed to avail itself of this aid, why not History also?

History, indeed, in a higher degree than philosophy, in a far higher degree than science, requires the aid of style. The material with which History deals is so large and various that order and logical arrangement are of the first importance in the composition of an historical work. Unless unity be maintained in the description and correlation of multitudinous

facts, the reader loses the thread, and wanders hopelessly as in an interminable maze. Further, the general statements which such a work must make, the conceptions which it handles, the ideas which it involves or explains, are so complicated and subtle, that the utmost care in expression is necessary to secure clearness, accuracy, and truth. A large and varied vocabulary, a full command of language, a delicate sense of the meaning of words, are necessary to every writer on difficult subjects; and few are more difficult than History. Man, in all his moods and activities, his hopes and fears, his successes and failures, his complex motives and conditions, man individual and man in groups, is the historian's subject; and to deal adequately with such a subject, no literary power comes amiss. Again, History is far more than a bare statement of ascertained facts or probabilities; it involves deductions, generalisations, judgments. It is written for our example; it chastens and encourages by turns; it elates and depresses; it displays the whole gamut of human passions and emotions, vices and virtues, greatness and pettiness. If History is to be more than an unimpressive, matter-of-fact chronicle of events, it must deal with these things; and how are they to be discussed without literary skill, and literary skill of a very high order? The facts, for instance, which Macaulay has set forth in that famous third chapter of his History, might all be set forth in a tabular form, as in a blue-book, with absolute accuracy and completeness. They would all be there, on the printed page, the coaches and the highwaymen, the ruffles and the swords and the patches. Yes, but they would not be in our minds; and not one person would know them for a thousand who know them now.

There is, I think, some confusion in the minds of those who deny, or appear to deny, this proposition. They are offended, and rightly offended, by the rhetoric, the superfluous ornament, the interpolations and exaggerations, of what are called picturesque historians. I sympathise fully with this feeling. History must be true, or as true as we can make it.

We must add nothing, and take away nothing, without warrant; and the writer who is picturesque or attractive at the cost of truth is no historian, but a masquerader perpetrating a fraud. But this false tinsel, these unwarranted imaginings, are not Literature; take them away, and the Literature—if there is Literature there at all—remains. We make a gross mistake if we confuse the literary either with the false or the picturesque, or a good style with specious rhetoric and superfluous ornament.

I conclude, then, that History is neither absolutely Art nor Science, but partakes of the nature of both; that both are necessary to the accomplished historian, Science in discovery and correlation, Art in exposition; that a great historical work, a work that will live, is and must be Literature; that such a work, dealing, as History does deal, with great subjects fit for literary treatment, must add thereto the literary qualities of order, unity, and style; and consequently that it will be an evil day for History when she ceases to aim at literary excellence. Clio, let us not forget, was a Muse. To come back finally to the point whence I started, let me urge our young authors, the writers of our papers, and others, while they pay the fullest attention to the scientific preparation of their work, to remember Clio when they come to set it forth, and above all not to neglect their style.

In conclusion, I desire to offer my hearty thanks to the officers of the Society and the members of Council, who have so ably and kindly supported me during the last four years. Whatever success has attended the work of the Society has been mainly due to them; and to them is due the fact that my period of office has been one of unmixed and unbroken pleasure to myself. For many reasons I should gladly have offered myself for re-election, but for other and weightier reasons I think it well to retire. My chief reason is that, while I do not of course presume even indirectly to indicate a policy in such a respect, it is my opinion that frequent changes of headship are expedient for the Society, and that,

subject to the necessary claims of continuity, an office which is a worthy object of ambition among historians should not remain long in a single hand. I congratulate the Society on having secured the services of a President so distinguished, so able, and so benevolent, as Dr. Hunt; I wish him as much enjoyment of the post as has fallen to my lot; and I now hand over to him the one symbol of my office, the presidential key.

THE BEGINNINGS OF THE KING'S COUNCIL

By JAMES F. BALDWIN, Ph.D. (Associate Professor of History in Vassar College)

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WRITERS of the thirteenth century observed the formation of a new power in the government. This they variously called 'the king's familiar council,' 'the supreme council,' 'the secret council,' 'the noble and prudent council.' It later became known as 'the continual' or 'the ordinary council,' and finally 'the privy council.' These adjectives and others applied to the council and councillors serve very well to designate the body of which we speak. It is to be noted, however, that it is in chronicles and other literary sources that such terms are at first to be found. The stricter and more conservative official language recognised only *the king's council*, or simply *the council*.[1] Ambiguous as they are, these continued to be the usual terms for almost the whole of the middle age, though in the fourteenth century the more popular and descriptive terms found a place in the official records.

The formation of the council as one of the regular organs of government took place amid the following general conditions, which may be stated as causes :

First. The differentiation of the several king's courts, the exchequer, the *coram rege* or king's bench, the *de banco* or common pleas. The growth of the council was quite contemporary with this separation and multiplication of courts.

[1] In 1217 a letter of Falkes de Breauté to Hubert de Burgh, in which one councillor writes to another, makes an appeal to the *familiare consilium*. *Royal Letters*, i. 5.

In relation to the various courts, including itinerant and even church courts, the council was a board of supervision and co-ordination.

Second. The development of the great council of barons or the parliament. With the growth of parliament that of the council was also contemporary, the smaller body being the earlier to reach definite form. 'The council in parliament' was a power early to be distinguished as a kind of rudimentary cabinet; while the untractableness of the barons caused the king the more to retrench within the circle of his appointed council. All this gave rise to the first great parliamentary struggle.

Third. The minority of Henry III. This was not the beginning of the council, but was the opportunity for the expansion of its powers. Most of the activities for which it became noted, especially in judicial work, were then taken up. These functions were not dropped at the close of the minority. With changes of *personnel* it continued to exercise the same administrative and judicial powers. Throughout the reign of Henry III. the influence of the council was hardly less than it was during the minority.

I

For the beginning of the king's council it is not possible to find any stated time. Naturally there were counsellors before there was a council. At no time did English kings fail to have particular counsellors, known as *consiliarii*, *consultores*, *familiares*, *domestici*, or *aulici*, including men of the household, of the curia, and of the exchequer. In this they were like other kings (most notably the king of France), other princes, and even bishops and barons who possessed councils of uncertain composition.

In the reign of Henry II. the king's counsellors played a prominent political part, especially during the Becket strife, when there was most need of their counsel. At every point in the contest the king is found advising with his counsellors,

sometimes in secret. At the great council of Northampton in 1164 the king is said to have deliberated with them apart from the general assembly, and to have been dissuaded by them from his intention of attacking the clergy.[1] On another day letters were read before the counsellors and such others as could be brought together.[2] Most of the counsellors at the time were, of course, opponents of Becket, and as such became known to the archbishop's friends as evil counsellors, and were objects of excommunication. Not all were such, however, for we are told of certain friends of the archbishop, who were *de consilio regis*, informing him of the danger to his life.[3]

During the entire reign of Henry II. the king's intimate councillors exercised great influence, according to the accounts of every writer. They attended the king in Normandy and other parts abroad; they were sent on diplomatic missions, and were rewarded for their special services. In the great council held at London in 1185, which discussed the question of a crusade, it was decided by the king and his councillors to consult with the king of France.[4] The men chosen by the king as councillors were not magnates alone, but frequently minor men, such as knights, archdeacons, and clerks.[5]

In the reign of Richard there is no additional evidence of any importance. The *consiliarii* and *familiares* continue to direct much of the policy without showing much coherence as a body. In 1190, holding a small council of ten bishops and barons, besides the queen and the sister of Philip Augustus, Richard appointed William de Longchamp chief justiciar.[6] In 1191, during the absence of the king, action was taken according to the counsel and consideration of the archbishop of Rouen and of other king's *familiares*, and of

[1] *Materials for History of Becket*, i. 35; iv. 46. [2] *Ibid.* 123.

[3] *Ibid.* iv. 48. In this instance *de consilio* clearly means of the council, not counsel.

[4] Benedict of Peterborough, i. 305, 306.

[5] *Materials for History of Becket*, iii. 120, 127.

[6] Hoveden, iii. 32; Benedict of Peterborough, ii. 105.

the curia.[1] It was said of the archbishop of Rouen, who had been raised to the justiciarship by the barons, that he would do nothing in the government of the realm except by the will and consent of his associates and by the counsel of the barons of the exchequer.[2]

With the reign of John, apart from the presence of counsellors, there begins to be evidence of a king's council of more stable character. With the greater abundance of official records, such as plea rolls, patent rolls, and close rolls, comes tangible evidence of a council exercising a certain superior jurisdiction, such as continued to be the distinguishing feature of the king's council.

It is a well-known ordinance of Henry II. that questions of law which the justices could not themselves decide should be brought for decision before the king and his *sapientiores*.[3] Without records of actual trials it cannot be clear whom Henry II. meant by his *sapientiores*, but in the reign of John and afterwards it is found to be the council more than any other body which acted in this way, answering points of law for the courts and directing their procedure. Of a fair number of cases which are to be found illustrating this use of the council a few will be cited. In 1201, in a Cornish eyre, an assize of *mort d'ancestor* was held in which the court was uncertain of the existence of a certain elder brother, there being no proof either that he was living or dead. It was referred to the council at Westminster to decide whether a jury should be held or not.[4] In 1207 a case was before the exchequer between the king's mother, Eleanor, and Christiana of the one part, and one Rustikellus of the other, regarding the issue of lands in Ireland. The queen and Christiana claimed that he had not rendered his account in full; Rustikellus claimed that he had rendered account to Christiana's seneschal, who, however, had retained all the rolls and vouchers. The barons of the exchequer, regarding contracts

[1] Hoveden, iii. 136. [2] *Ibid.* 141.
[3] Benedict of Peterborough, i. 207.
[4] Baildon, *Select Civil Pleas*, Selden Society, no. 190.

made in Ireland, did not feel sure of their ground, and suspended the case till the king and his council could be consulted.[1] A similar power over the exchequer was exercised when a sheriff was declared by the king and council to be acquitted of his arrearages.[2] Something of the nature of an administrative order by the same authority is seen in a command to the justiciar of Ireland. When the king of Connaught quit-claimed two-thirds of Connaught to the king of England, with the advice of the council it was commanded to select for the king's use the two-thirds which held the best towns and harbours.[3] In 1214 the king from abroad, in a letter patent to his barons, urged them to hasten to his service across the sea, except those who by the counsel of the bishop of Winchester, the justiciar, the bishop of Norwich, the chancellor, William Briwer and others, were to remain in England.[4] A record in the reign of Henry III. in 1219 refers to the presentation of certain churches which were of the king's advowson, as being before the council of John.[5] These and other illustrations are to be regarded in the light of the many similar ones that occur in the next reign. They indicate a field of jurisdiction which the councils of Henry III. are well known to have held. It was already in some degree existent in the reign of John.

Who were the men forming this council the records do not very well tell. The well-known lists of evil counsellors given by Matthew Paris are suggestive, but are not to be taken in a strict sense. More certain testimony is afforded in the rolls of charters, letters patent, and letters close, which sometimes give names of barons present at such councils. For instance, in 1209 the patent rolls state that

[1] *Calendar of Documents relating to Ireland*, ii. no. 1207.

[2] *Rotuli Litterarum Clausarum*, i. 131.

[3] *Calendar of Documents relating to Ireland*, no. 222; *Fœdera* (Record edition), i. 81.

[4] *Rotuli Litterarum Patentium*, 118.

[5] 'Sciatis quod dominus J. rex pater noster . . . contulit ante concilium dilecto clerico nostro Willelmo filio Umfridi easdem ecclesias que de sua fuerunt advocacione.' *Calendar Patent Rolls*, 204.

letters from Llewelyn were read before the bishop of Winchester, the bishop of Bath, Walter de Gray the Chancellor, Geoffrey fitz Peter the justiciar, William Briwer, Hugh archdeacon of Wells, Roger de Thorn, Gerard de Atyes and *others* who were then present.[1] From the fragments thus given us it is possible to say who were the most constant of John's councillors, including those who attended the courts, served as witnesses to charters, and were present at the various councils. Of the many minor men, including the entourage of favourites, foreigners, and 'evil counsellors,' such as the chroniclers describe as in personal intimacy with the king, the more formal documents take little notice. Of the bishops and barons who attended to the official work of the council it is interesting to observe that most continued to serve in the council of Henry III. In the last instrument drawn by John, namely, his will disposing of his personal property, he appointed thirteen executors, 'without whose counsel he would ordain nothing even if he were in good health.'[2] That the executors considered their position to be a political one there are some reasons to believe.[3] At any rate, ten of the thirteen were certainly of the council of Henry III. It will be found that Henry's council consisted for the most part of those who had been counsellors of John, and especially those who had been loyal to the royalist cause. This principle of selection was afterwards stated in the name of Henry himself.[4] The council of John then, both in its functions and *personnel*, formed a basis for the well-known council of Henry III.'s minority.

The following are some of the most prominent of John's official councillors :

Archbishop Langton.

The legate Guala.

[1] *Rot. Lit. Pat.* i. 88. Other such accounts are to be found in *Rotuli Chartarum*, i. 125 ; and in *Rot. Lit. Claus.* i. 168.

[2] *Fœdera*, i. 144.

[3] J. G. Turner, 'Minority of Henry III.,' *Royal Historical Society, Trans.* vol. xviii. 282.

[4] *Royal Letters*, i. 224.

The bishops of Winchester, of Bath and Wells, of Salisbury and Coventry, of Norwich, of Rochester, of Ely, of Worcester, of Chichester.
Richard de Marisco, the chancellor.
Geoffrey fitz Peter, justiciar (d. 1213).
Hubert de Burgh, justiciar.
William Marshall.
William, Earl Warenne.
Ralph, earl of Chester.
William, earl of Ferrars.
William, earl of Arundel.
William de Longespée, earl of Salisbury, the king's half-brother.
William Briwer.
Falkes de Breauté.
Hugh de Neville.
Walter de Lascy.
William de Cantilupe.
Roger de Lascy, constable of Chester.
John of Monmouth.
Savaric de Mauleon.

II

In the first year of Henry III. the council is found exercising its special powers. It has been believed that the council was in some way appointed or ratified by the first great council of the barons, which met at Bristol, November 11, 1216. It was here that the earl marshal was accorded his special title of 'guardian of the king and the realm,' and that two of his associates, the legate and the bishop of Winchester, were named. It does not appear, however, that Hubert de Burgh, who was not present, was confirmed in his office of justiciar, or that other ministers received any ratification. Certainly no new letters patent were issued for officers who held their positions from the reign of John. As it was judicially decided by the council itself in 1218 that commissions of

John's reign were valid,[1] it is not necessary to suppose that any different view was taken regarding the council, which was accepted as a matter of course, and which remained for the most part the same as before, with changes from time to time. It is true that at the death of Henry III. the council was not considered to be dissolved.

At other times the great council or parliament had some influence as to the powers and composition of the king's council. It was a limitation of the powers of the council as well as of individual ministers that in 1228 provision was made that there should be no grants in perpetuity during the king's minority.[2] There is no instance of any grant in perpetuity being made during the minority period, grants being made during the pleasure of the king; though there is an instance of a promise being made before the council that a certain grant would be renewed in terms of perpetuity when the king became of age.[3] At various times the composition of the council was affected by the will of the barons. In 1226 there is the instance of Ralph de Neville being appointed chancellor by parliamentary authority, a position which he later refused to surrender except by the same authority which entrusted it to him.[4] In the meetings of the great council, as in former reigns, the king's councillors were the leading spokesmen, laying before the assembly the demands of the king, and answering in turn the demands of the barons. In 1223, when the barons were demanding the renewal of the charters, William Briwer, 'one of the councillors of King John as well as of the present king,' answered for the king that the liberties which they asked for should not be granted, as they had been extorted by force.[5] In 1219 the king is said to have acted in concert with his 'archbishops, bishops, earls, and barons, and his council.[6] This was the 'council in parliament,' in the words of a phrase which was current at a later day.

[1] Explained later.
[2] *Fœdera*, i. 152.
[3] *Calendar Patent Rolls*, 10th year, 30.
[4] Matt. Paris, iii. 14, 36; Matt. Westminster, ii. 17.
[5] Wendover, ii. 269.
[6] *Fœdera*, i. 156.

Another power which claimed and exercised some right over the council was that of the Pope, now overlord of England. Guala had been received as his representative by the barons, and recognised as one of the regents; while his successor, Pandulf, in 1219 became one of the council with no other sanction than his papal mission. In 1217 Honorius III. wrote to Guala that as to the proposal to appoint a colleague with the earl marshal he hesitated lest the earl should be offended, yet left it to the legate to decide.[1] How the legate, Pandulf, considered his position is shown by a letter of his to Hubert de Burgh in 1220. In regard to sending to France about a truce, he tells the justiciar to act without delay, and not to await further counsel, it being enough that 'we wish and advise it.'[2] More than once the Pope was appealed to by one faction or another to interfere. In 1224 the Pope was requested on behalf of the seditious earl of Chester to send a legate to England who should compel the admission of the earl to the king's familiar council.[3] In 1231 came a letter from Gregory IX. to Henry III., which recognised an established custom in the employment by the king of bishops as councillors, and granted permission that they should assist at his councils.[4]

Who were of the council? As to anything like a membership it is possible only to say who were in the habit of attending the council. This is not a very satisfactory criterion, for the casual attendance of non-members was likely, even at a late date, when the council was a very mature body. As to a headship or presidency, no one man, not even the earl marshal, held such a position. Official actions took place sometimes 'before the legate and magnates of the council,' 'before the archbishop of Canterbury and the king's council,' and most often 'by the justiciar and council.' Peter des Roches, bishop of Winchester, influential as he certainly was, is never mentioned in this wise.[5] The council further included the following groups:

[1] *Royal Letters*, i. 532. [2] *Ibid.* 76. [3] Dunstaple, 89.
[4] *Royal Letters*, i. 549. [5] Compare Stubbs, *C. H.*, ii. 31.

A certain number of bishops were always essential, including most notably the bishops of Winchester, of Bath, of Salisbury, and the chancellor.

A group of barons there must always be.

Of judges, such as later formed an *ex-officio* part of the council, it does not appear that all the bench were so considered at this time. In fact only two, Martin de Pateshull and Stephen de Segrave, can be surely classed with the council.

Likewise the barons of the exchequer, although they were constantly in co-operation with the council, are spoken of as distinct.[1]

There were also some minor officials, who were associated with the council, whose standing within the council is not clear. The council of the minority was emphatically a magnates' council. Of that class known as royal favourites such as became councillors in other years there were none.[2]

The attendance at the council was quite variable. At times we are informed of the presence of the 'whole council,' again of the *magna pars*;[3] more often the council was made up of those 'whom the king had with him.'[4] Among the royal letters are communications urging the attendance or the written advice of one and another whose counsel was desired. Enough is said to show that ordinarily a very few were sufficient to act in the name of the council. On one occasion it was stated to include no more than the legate, the bishop of Winchester, the bishop of Worcester, William Marshall, William Briwer, and Falkes de Breauté, each of whom placed his seal to the letter.[5] Sometimes there were even fewer. That the council did not always agree may be inferred from the statements that consent was made by the *major pars*.[6]

The meeting time and places of the council can be observed to some extent. Engagements were made most

[1] 'The council and the barons of the exchequer' is a phrase which recurs.

[2] An appendix contains a list of the councillors.

[3] *Cal. Doc. Scot.* i. 130; *Pell Records*, 'Liberate Roll,' 28, 29; *Excerpta e Rotulis*, 301.

[4] *Rot. Lit. Claus.* i. 415.

[5] *Ibid.* 403.

[6] *Rot. Lit. Claus.* i. 527; *Cal. Doc. Ire.* no. 1074.

often at such seasons as the octaves of St. Hilary, the Paschal octaves, the sessions of the exchequer, and of course the meetings of the great council. Other times and places can be ascertained from such dates as appear upon letters close and letters patent which were attested by the council. All of them are not dated, unfortunately. During the year 1223 meetings occurred at the following times and places:

At	Westminster,	January 30.
„	„	February 1.
„	„	February 4.
„	„	February 11.
„	Lincoln,	February 23.
„	Worcester,	March 12.
„	Westminster,	May 30.
„	„	June 3.
„	„	June 4.
„	Woodstock,	June 26.
„	Worcester,	July 6.
„	„	July 13.
„	„	July 14.
„	London,	July 30.
„	Lambeth,	August 3.
„	Westminster,	August 24.
„	Montgomery,	September 23.
„	„	October 9.

Beyond any stated meetings it was understood that there were always councillors attending the king or court who could act in this capacity. The king said as much when in 1228 he replied to Llewelyn, who had made excuse that he would have sent messengers had the king's councillors only been present. The king's answer was, 'We have never been so destitute of counsel that our council was not sufficient for terminating and amending the more difficult matters.'[1]

It has been an inference on the part of writers, whose merest opinions must have great weight, that Hubert de

[1] *Calendar Close Rolls*, 116; *Royal Letters*, i. 335.

Burgh more than any other man gave the council organisation. The few facts which can be gathered do not point to this inference. During the years after 1224, when the justiciar's influence was predominant, there are fewer instances to be found of council action than in the years preceding or in the years following. During the eleventh, twelfth, and thirteenth years, when his position is admitted to be supreme, there are the fewest number of administrative orders emanating from the council. In the close rolls of the thirteenth year there is not one. The burden of the complaints which were lodged against him, and which at last brought about his downfall, was that he regarded his fellow councillors for naught, and that he made himself 'the only councillor.' The testimony of his enemies finds some corroboration.

III

Having considered thus far what the council was in outline, we are prepared to take up the more satisfactory task of showing what it did. It would not be useful to state any theory of its powers, for it was not a body with constitutional limitations. More feasible is it to explain the actions which the council found its way to take, as a result of which its constitutional position was made. This will be done under the following loose classification.

§ 1. *In relations with barons and foreign princes.*—The close of the wars and rebellions was the first concern of the government. This was the occasion of a large amount of political and diplomatic labour for the ministers individually, and also for the council, both in relations with barons at home and princes abroad. Dealings with rebellious and disaffected barons involved conferences, truces and letters of safe conduct, promises of restitution on the one side and pledges on the part of the barons for good conduct in the future. There are many instances like the following:

In 1217 a truce between the king and council on the one side, and Earl Warenne on the other, was pronounced

before the legate and certain magnates of the council.[1] In 1218 certain barons before the council pledged that the sons of William de Braose would serve the king faithfully, agreeing to distrain them if necessary.[2] In the first year certain of the councillors declared on their oath that those who would return to the allegiance of the king would be absolved by the bishop of Chichester.[3] In 1217 a letter to Engelard de Cygony, similar to many others, ordered him to release Walter Brunum from prison, and to send him in haste before William Marshall and other magnates of the council.[4] In 1218 orders were sent to all the sheriffs that those who had grievances against their captors in the war, who held them in prison, should come before the council at Westminster, and that those against whom complaints were made should be required to come also.[5]

Many barons' cases were taken up by the council judicially. The amercements of earls and barons were, by orders to the justices in 1218–19, to be particularly reserved by them for the consideration of the council.[6] Disputes between the barons were taken up by the council, and settled either by a verdict or by convention of the parties. Falkes de Breauté appealed to the justiciar to be heard by the council against the encroachments of the men of the earl marshal.[7] In 1218 an important contention between Engelard de Cigony and the Earl Warenne over the custody of the county of Surrey was made a plea before the legate, the archbishop, and other magnates.[8] This case decided that the commission issued under John was still valid. In 1221 a contest over the stewardship of the household was settled before the king and council by a convention between the earl of Chester and Hugh le Bigod.[9]

At this time of feudal reaction there were cases for the

[1] *Calendar Patent Rolls*, 110.
[2] *Ibid.* 134.
[3] *Fœdera*, i. 145.
[4] *Calendar Patent Rolls*, 47.
[5] *Rot. Lit. Claus.* i. 358.
[6] *Royal Letters*, i. 5; *Rot. Lit. Claus.* i. 383, 387.
[7] *Royal Letters*, i. 5.
[8] *Calendar Patent Rolls*, 135, 181.
[9] *Rot. Lit. Claus.* i. 455.

council's attention in the adulterine castles. The council proceeded judicially in deciding whether castles were lawful or adulterine, and sought to compel the destruction of unlawful ones. Thus in 1220 an order from the justiciar and council to the sheriff of Northumberland asked him to make inquiry with twelve men concerning the castle of Richard de Umfraville de Herebotel, which he had strengthened since the war. If he should not stop fortifying the castle, the sheriff was to find out how much he had strengthened it since the war.[1]

In dealing with baronial cases the council did not always itself hold the trial, but remanded the parties to the regular courts, exacting from them bail and surety for their appearance. It was not always expedient to hold a trial, but to seek settlements by conciliation. The council was as a body equally adapted for either process, whether political or judicial. The extraordinarily large number of pardons, amercements, and fines granted by the discretion of the council are evidence of this spirit.

In 1222 permission was given by the authority of the justiciar and council to hold the sentence against the count of March in suspense.[2] Many titles to lands and castles in England and in Ireland at this time were in confusion, owing to confiscations and conflicting grants. A number of claims which had been held over from John's reign were settled by the council, not always by judicial decision, but also by direct orders of restitution. In such ways did the council bear a part in the work of reconstruction after the wars.

The subject of foreign relations was one which the council at all times made its own more exclusively than any other. The negotiation of truces, such as were constantly formed with the king of France and the prince of North Wales, was a matter of council supervision,[3] as was likewise the extension

[1] *Rot. Lit. Claus.* i. 436; *Calendar Patent Rolls*, 287.

[2] *Fœdera*, i. 168.

[3] *Rot. Lit. Claus.* i. 363, 501; *Rot. Lit. Pat.* 110; *Fœdera*, i. 164–400.

or the abrogation of a truce.[1] The form of peace concluded in 1217 between Louis of France and Henry III. called for three men of Louis's council and three of Henry's council to determine on oath certain questions relating to the release of prisoners.[2] Men of the council were sent on the most important diplomatic errands.

In 1225 the bishop of Carlisle, being sent to Germany, was required particularly to send information to the council.[3] How far such missions were considered to be matters under the authority of the council may be judged from the fact that payments for them at the exchequer were commonly made by order of the council. Marriage alliances for the king and other members of the royal family with remarkable consistency were said to be matters for the concern of the council.[4]

As merchants and merchandise were one of the principal concerns of foreign relations, it is not strange to find the council also providing for them. In 1223, by letters patent on the authority of the council, the men and merchants of the king of Norway were taken under the king's protection.[5] That this responsibility of the council was generally understood is seen in the letters from abroad, which were commonly addressed to the king or one of the ministers and councillors.[6]

The prince of Wales, like the king of Scotland, had anomalous feudal connections on the English side of the border, which caused the council to interpose regarding Llewelyn's rights as to custodies and as to his compacts with the Pembrokes. In 1220 an order by the justiciar and council was sent to the men of Pembroke not to render service to Llewelyn, in whose custody they had been, because of his depredations.[7]

[1] *Fœdera*, i. 164, 174, 206. In 1242 the king writes, 'unde videbatur nobis et consilio nostro quod treugam aliquam ei observare non tenebamur, et sic, treuga deficiente, guerram inchoare nos oportuit.' *Ibid.* 245.

[2] *Fœdera*, i. 148. [3] *Ibid.* i. 180. [4] *Ibid.* i. 176 &c.

[5] *Calendar Patent Rolls*, 384.

[6] *Royal Letters*, passim; *Matt. Paris*, v. 56; *Calendar Doc. Scot.* i. 388.

[7] *Fœdera*, i. 164.

With Scotland, on the other hand, the relations at this time were friendly. In 1218, for the settlement of controversies and causes such as might arise between the king of England and the king of Scotland, procurators were appointed by the authority of the council.[1] In 1220 a plea in which the king of Scotland as an English baron was called to warrant was respited by order of the council while the king of Scotland was on his way.[2] The special utility of the council, which could temper justice with political expediency, is seen in a case in 1237, when a claim of custody on the part of the king of Scotland was settled by the 'leniency' of the council.[3]

That the council so far took control of foreign relations gave rise, as a corollary, to its hearing judicially a large number of cases dealing with breaches of truce and violations of safe conduct. Its jurisdiction extended over nuncios, merchants, and other foreigners, with which cases it was the only tribunal qualified to deal effectively.

§ 2. *In relations with the exchequer.*—In no way was the council more important than in its services at the exchequer. The intimacy between the council and the exchequer has already been remarked. The exchequer council-chamber was the most constant meeting-place, where we find actions taking place 'before the council *and* the barons of the exchequer.' It is another expression of the same fact that meetings of the exchequer were attended by men of the council.[4] Hearings before the council were appointed at the exchequer terms.

Now, there were urgent reasons at the time why the council should devote much attention to the affairs of the exchequer. During the wars that organ had quite broken down, and the revenues were practically suspended. From Michaelmas 1216, for the following year the ferms of the

[1] *Fœdera*, i. 154; *Calendar Patent Rolls*, 197.

[2] *Calendar Doc. Scot.* i. 134. [3] Bracton's *Note Book*, no. 1221.

[4] *Rot. Lit. Claus.* i. 361; *Excerpta e Rotulis Finium*, i. 67, 95; ii. 197; Madox, *History of the Exchequer*, ii. 27.

sheriffs were not accounted for at all. The rolls at one time were captured by Louis of France. Military services had been rendered by royalist barons and expenses incurred without royal warrants, and without official record of the facts.[1] During these years wardships and escheats, which rightfully belonged to the crown, were somehow withheld. It devolved then very much upon the council on the one hand to recover the royal revenues so far as possible, and on the other hand to make compensations for services rendered. At that time men could not be held to strict account, after the inexorable methods for which the exchequer is noted, but had to be dealt with in a spirit of fairness and conciliation.

In the first place there were numberless claims for services rendered under John, of which the exchequer evidently had no record. Such claims lasted during the whole period of the minority, which the council sought to adjust, whether by judicial process or otherwise. Thus the close rolls are filled with orders from the council to the exchequer that acquittances should be made of scutages charged for the expedition to Poitou, the council receiving testimony and deciding that parties so charged had actually served.[2] Services in the civil war had to receive compensations and rewards, as did Falkes de Breauté for his services to 'our father and ourselves.'[3] These were made generally by remittances of ferms or other dues at the exchequer by order of the council. Thus in the case of William Briwer, for his good and faithful service remittances were made of various dues in the rolls of the exchequer for the seventeenth year of John to the aggregate amount of 452*l.*[4] In some few cases reward for services was made in the form of grants of money.[5] In 1222 the citizens of York were acquitted by the council of a fine which they had made with King John of 1,000*l.*, as it was testified that they had given the money for the

[1] J. G. Turner, 'Minority of Henry III.' *Trans.*, vol. xviii. 284–290.
[2] *Rot. Lit. Claus.* i. *passim.* [3] *Ibid.* 481. [4] *Ibid.* 413.
[5] *Calendar Patent Rolls*, 1st volume, 327.

works upon the king's castles.[1] Certain debts that had been incurred by John were settled in the same way, Hubert de Burgh for one receiving 200 marks that had been exacted from him.[2]

A letter close of the fifth year, directed to the barons of the exchequer, shows very well how the council took such matters in hand. 'Know that we have learned by our council and by the rolls of the exchequer that Robert de Vallibus once made fine with King John of 2,000 marks for quittance of all which he then owed to the exchequer.' It was found on the rolls of the exchequer that of the debt he had rendered 1,000 marks, for which after he had rendered the service of two knights and twenty serjeants with horses and arms for one year, and of one knight and twenty serjeants in the following year. Protestation having been made before the council that Robert had rendered King John this service, it was commanded that he be acquitted at the exchequer of all the aforesaid debts.[3] Orders of the council to the exchequer included even grants of alms which had been established by the king's predecessors.[4] In 1222 there was an order that the archbishop of Dublin, justiciar of Ireland, should receive 100 marks each year at the exchequer of Dublin until he should receive 500 marks, which was his due for his expenses at the last general council at the court of Rome, in the time of John.[5] The financial obligations left over from John's reign were altogether a serious load for the government of the minority. In 1218, to raise a loan of 6,000 marks, to be used by an embassy sent to Rome, for the better security of the creditors, the bishop of London, the bishop of Winchester, and William Marshall gave pledges with the assent of 'the legate and the magnates who are of our council.'[6]

That more of the revenues due to the crown might be brought in, the council in many cases scrutinised the work of the sheriffs. In the third year the justices itinerant in the

[1] *Rot. Lit. Claus.* i. 476.
[2] *Ibid.* 596; ii. 4; *Calendar Patent Rolls*, 232.
[3] *Rot. Lit. Claus.* i. 467; a similar instance, 521. [4] *Ibid.* 456, 457.
[5] *Ibid.* 526. [6] *Calendar Patent Rolls*, 181, 304.

county of Nottingham were directed to make an inquisition as to the revenues of certain manors since the fifteenth year of John, and to direct the sheriff of Nottingham to come before the council at Westminster to answer concerning all the issues of those manors.[1] In 1220 the sheriff of Canterbury was ordered to inquire by the oaths of legal men as to the services due from a certain piece of land, whether they were one-sixth of a barony or more, and to report without delay to the justiciar and council.[2] In the same year the sheriff of Lancaster was ordered to pay damages of chattels he had wrongly seized to the extent of 40 marks. If he did not, he was to appear before the council and the barons of the exchequer to show cause.[3] In the second year Robert de Courtenay was required to make a convention before the council and barons of the exchequer that he would answer for the revenues of the county of Devon, for which he had already had a summons of the exchequer, which he had not obeyed.[4]

In its connection with the exchequer the council may either be called a superior court or, in view of the fact that it met jointly with the barons of the exchequer, it may be considered the exchequer itself 'raised to a higher power.' Processes in the exchequer were suspended that conference might be had in the meantime with the council.[5] Appeals were received by the council, which received testimony, scrutinised the rolls, and ordered inquests. As has been observed before in another connection, one reason for the appeals to the council was that, more freely than other courts, it could act with a view to what was equitable, in distinction from strict legality. Thus in 1224 a letter of the king to the barons of the exchequer bids them not to exact a fine which was due from Robert de Coudray, for the same Robert, having paid the fine of one palfrey for holding a market on his manor,

[1] *Rot. Lit. Claus.* i. 406.
[2] *Excerpta e Rotulis*, 46.
[3] *Rot. Lit. Claus.* i. 438.
[4] *Ibid.* 361.
[5] Cole, *Documents*, 311.

had not held the market, for the reason that it would have injured the neighbouring merchants.[1]

In all matters of taxation, revenue, and expenditures the council took the same superior authority. It became one of its regular functions in the raising of taxes, after the parliament had made the grant in general terms, to give the more particular directions as to how the moneys should be assessed and collected. In 1225 occurred an early exercise of such an ordaining power, when in the levy of a clerical fifteenth it was provided by the council that the fifteenth on the domains of the master of the Hospital of St. Lazarus in England should be assessed by one of the bailiffs of the master in company with a clerk on the king's part.[2] In the same year, by provision of the council, one-half of the fifteenth was to be placed for safe keeping in the custody of the bishop of Salisbury, the other half with the bishop of Bath.[3] In 1226 there was an order of the council to the bishop of Salisbury to deliver 800*l.* of the fifteenth in his custody, for the payment of the soldiers.[4] Such actions of the council with regard to the exchequer developed into an important ordaining power, by which the council laid down rules of administration.

Most of the council's actions, however, dealt with special and individual cases. It heard pleas such as pertained to the exchequer, whether one owed or did not owe a stated service. In 1223 it was decided by the king and council, after an inspection of the charter of Henry II., and of its confirmation by John, that certain lands of one Michael fitz Michael did not owe talliage, as they held of the king *in capite* by the service of one sparrow-hawk a year for every service.[5]

The council, too, directed payments for such expenditures as its own policy created. In 1224 a grant was made by the council of the revenues and customs of Bordeaux for its fortification.[6] At another time, by the authority of the

[1] *Rot. Lit. Claus.* i. 608.
[2] *Ibid.* ii. 29.
[3] *Ibid.* 73.
[4] *Calendar Patent Rolls*, 15.
[5] *Rot. Lit. Claus.* i. 544.
[6] *Calendar Patent Rolls*, 458.

justiciar and council, the barons of the exchequer were directed to postpone the demand of a payment of 7,000 marks because the council had made other provision in the matter.

One more observation will help to explain the relations of the council with the exchequer. It was a common practice of the administration to associate the members of one court with another, to gain added testimony and authority. Justices of the *curia regis* were brought together with the barons of the exchequer. For instance, in the close rolls a number of attestations will be found by the exchequer and Martin de Pateshull.[1] An interesting instance occurs in the fourth year, illustrating the practice of forming a composite court according to the nature of the case. It was a case of alleged debt to Jews which was taken out of the jurisdiction of the sheriff of Lincoln, who was to come before the justiciar, the council, and the justices assigned for the custody of the Jews, at the exchequer to hear judgment.[2]

§ 3. *In relations with the Law Courts.*—The relations of the council with the king's courts, whether *coram rege* or *de banco*, were similar to those with the exchequer. In its judicial capacity the council may be described from two points of view. When acting judicially it was attended by jurists as well as magnates.[3] Or again, following the practice of the king's courts of having magnates attend the hearings, the regular courts were reinforced by the attendance of men of the council. There is an interesting record of the attendance at a trial in 1227 between the bishop of Hereford and the citizens of that town, which was held before the king in St. John's Chapel, Westminster. There were present four justices of the bench, besides the justiciar and four bishops of the council, nine knights and barons, of whom four were

[1] 'Per consilium scaccarii et M. de Pateshull,' *Calendar Patent Rolls*, 3rd year, 406.

[2] *Rot. Lit. Claus.* i. 410.

[3] 'Tractatu habito intra magnates et jurisperitos sententia est.' *Rot. Lit. Claus.* i. 549.

stewards of the household, and five clerks, among whom was Alexander de Swereford.[1]

Though it was sometimes called a *curia*, the law writers of the thirteenth century did not consider it one of the regular courts, but regarded it either as merging in the court *coram rege* or as an extraordinary authority not to be defined as other courts were. The relations of the council with the courts may be looked upon either as mandates from the council to the courts, or as appeals from the courts to the council. We will consider first the mandates of the council to the courts.

When the Lateran Council had forbidden trial by ordeal of fire and of water, quite a sudden change in the procedure of the courts was necessary. To the various itinerant justices in 1219 letters patent were written as follows: 'Since it is uncertain and undetermined at the outset of your itinerary what judgment should be imposed on those retained for robbery, murder, arson, and similar crimes, since it has been prohibited by the Roman Church to use judgment by fire and water, it is provided by the council for the present' that those retained for greater offences should be held in prison; those retained for medium crimes should abjure the realm; those retained for minor offences should find sure pledges. Beyond the definite instructions which the council gave, the judges were to use their discretion in following the order.[2] A provision of the council, which appears in 1220, was consonant with its jurisdiction in international relations; that no subject of the king of France could plead in an English court until Englishmen were allowed to plead in French courts.[3] Complaining of the too frequent issue of writs of assize in Ireland, the archbishop of Dublin asked that the council decide that writs of *mort d'ancestor* should run through Ireland only at the same time that they run through England.[4]

[1] *Red Book of the Exchequer*, iii. 1010.
[2] *Calendar Patent Rolls*, 186.
[3] Bracton's *Note Book*, nos. 110, 1396.
[4] *Royal Letters*, i. 32.

More often the mandates of the council dealt with special cases. It decided what courts should receive cases, that itinerant sessions should be held; it ordered writs of assize, and it enjoined delays. This can best be shown by a few illustrations. In 1219 a letter patent to the itinerant justices of Sussex and Kent required that pleas of the crown in the Cinque Ports and elsewhere they should hold in respite till fifteen days after the octaves of St. John the Baptist, that meantime it might be provided by the council of the king where and before whom those pleas ought to be held.[1] In 1228 a letter of the king to Pateshull and Segrave said that it was a long time since pleas of the crown had been held at Shipway, wherefore the place had become a refuge for law-breakers. It seemed best to the king and council that pleas should be held there without delay. In this matter the king asked especially for the advice of the above-named justices before he would decide.[2]

Very many orders for respite or delay were given by the authority of the council as well as by individual ministers, as when in 1224 the justices *de banco* were notified that all pleas against the master of the Knights Templars in England should be held in respite until fifteen days after Easter in the ninth year.[3]

Quite as frequently the council was appealed to from the courts by the judges themselves or the litigants. It was no uncommon thing for the king's justices, coming upon a point of law about which they were doubtful, to be unwilling to proceed, suspending the cases until they could consult with the council or receive instructions therefrom.[4] In 1221, in a Worcestershire eyre, jurors said that the assize of cloth was not observed as it should be. Amercements

[1] *Rot. Lit. Claus.* i. 406.

[2] *Calendar Close Rolls*, 108; *Royal Letters*, i. 328.

[3] *Rot. Lit. Claus.* i. 435, 626; *Fœdera*, i. 168; *Calendar Patent Rolls*, 1st volume, 307.

[4] 'Et quoniam justiciarii nolunt procedere . . . ponunt præmissa in respectum quousque consilium domini regis super hoc consulerint.' *Rotuli Selecti ad Res Anglicas et Hibernicas Spectantes*, 210; another instance, 211.

were respited until what was to be done should be provided by the king's council.[1] A county court which had adjudged the *lex defensionis* as a means of settlement was uncertain whether the defendant could offer a substitute or not. The court was all the more in doubt since the defendant was a great man and a baron of the king. The case was postponed until another meeting of the county, so as to obtain in the meantime the opinion of the king's council.[2] It behoved the judges to move cautiously, for they were liable themselves to be put on trial for their decisions. Such proceedings help to account for the perpetual delays of justice, which never ceased to be causes of complaint.

The appeals of litigants to the council formed a large field of jurisdiction, which is best known as jurisdiction in error. It was not the practice of the superior court to grant new trials, but it might properly review the action of an inferior court on either of two grounds: the competence of the court, or its construction of law. An early instance of this kind was in 1223, when the record of a case in a king's court in Ireland was reviewed by a council of magnates and jurists. In this plea the defendant had been called to warrant for a piece of land in the king's court, and not coming had lost by default. He claimed that under the charter of John he should have had peace till the king was of age. The council decided that the court was in error in two respects. In the first place, under the charter the defendant should have been left until the king's majority. In the second place, it was not in the power of the plaintiff, or of the court even, in a proceeding of this kind, to call one to warrant, and to declare a default if he does not appear. It would amount to calling the king himself to warrant. 'Our court is not above ourselves,' was the verdict of the council.[3] Again in an appeal to the council, in which the defendant claimed to have a manor by gift of Richard and of John, as

[1] Maitland, 'Select Pleas of the Crown,' *Selden Society*, i. no. 148.
[2] *Royal Letters*, i. 101.
[3] *Rot. Lit. Claus.* i. 549.

he had no charter or other proof of such a royal grant, the earl marshal and council ordered the assize to proceed.[1]

Another case in 1223 in Ireland was involved by complications which had to be resolved by the council. In an assize of *mort d'ancestor* a question of legitimacy was raised, which point was referred to an ecclesiastical court to settle. Here long altercations and delays took place, appeal being made to the Pope. A new issue arose when two girls under age appeared, and appealed that the assize should not proceed lest they should be prejudiced and precluded from afterwards seeking their inheritance. The king's letter simplified matters by pointing out the following facts: that in the original assize no mention was made of the girls; there were only two parties to the assize; 'you are not called upon to pronounce upon them' (the girls); an assize is a question of possession, not of property. By the council of magnates the justiciar of Ireland was directed to delay no further, and to cause the assize to proceed.[2]

Sometimes an appeal to the council took the form of a complaint by an aggrieved party against the judge who had injured him in a decision. In one such case the justices in eyre were summoned before the king's council and justices of the bench, whereupon they were amerced for hanging a man unlawfully.[3] In another such case certain justices *de banco*, in answer for their mistakes at law, plead that they knew no better.[4] At another time a justice was acquitted of the charges made against him, and commended for his conduct.[5] Any cases in which royal rights were involved might be tried before the council. In one such case the defendants claimed that they could not answer in the king's court, because their rights involved the king's prerogative. The case was brought before the council.[6]

There has already been occasion to observe that the council acted as a court of first instance in cases which con-

[1] Bracton's *Note Book*, no. 1306.
[2] *Rot. Lit. Claus.* i. 629.
[3] Bracton's *Note Book*, nos. 67, 73.
[4] *Ibid.* 1166.
[5] *Calendar Doc. Scot.* i. 275.
[6] Bracton's *Note Book*, no. 12.

cerned the barons, as it did also with regard to judges and sheriffs. For the greatest state trials a court of still higher competency could be found before the great council of barons, or in some special commission such as were named for the trial of Falkes de Breauté and that of Hubert de Burgh. Yet in the greater number of instances the smaller council was sufficient. Even so great a man as Hubert de Burgh was said to be put in prison temporarily by the council which the king had at the time.[1] In 1234 Stephen de Segrave, who was not a peer, as was Hubert de Burgh, but a justiciar and councillor, was summoned for trial before the king and council.[2]

It must be clear already that one special quality of council jurisdiction was a certain latitude which it could take, apart from the strict interpretation of law. And this continued to be a reason why its mediation was sought. It could hasten judgments, override technicalities of law, mitigate penalties, in a spirit of fairness or equity.

Having found that in making a final concord one of the parties was at the time and afterwards out of his mind, the entire proceedings of the court were annulled by the king and council.[3] In a case of horse-stealing, on appeal from the court of the Earl of Brittany, it was judged that the thief must lose his foot, with the warning that 'by the action of the council he is dealt with mercifully, for by law he had deserved a worse penalty.'[4] The council is found waiving a technicality when on one occasion certain writs of assize, whereby jurors had been elected and the survey of land made, were lost, causing the business of the court to stop. The council directed the justices, if they found the jurors actually were elected and the survey made, to proceed without the writs.[5]

[1] 'Per consilium suum quod tunc habuit [rex].' Bracton's *Note Book*, no. 1108.

[2] *Royal Letters*, i. 442.

[3] *Calendar Doc. Ire.* no. 2964.

[4] Maitland, *Select Pleas of the Crown*, no. 192.

[5] *Calendar Patent Rolls*, 3rd year, 210.

Sometimes decisions of this kind were made provisionally. Henry de Vernoil had been disseized in court of certain lands by default. It was alleged that he had been away on the king's service. It was ordered that if it was shown on inquisition that he had lost his land before he came to England the judgment of the court should stand, but if he lost it afterwards the judgment should be reversed.[1] The lands of Nicholas de S., in Northumbria, were restored, which were taken into the king's hand for many defaults, on condition that he abides justice when and where he ought for the transgressions charged against him.[2]

The council was sought for the registering of recognitions, final concords, protestations and oaths on the part of persons who wished the best attestation and record of their rights.[3] The council did not have records of its own, but it could command the rolls of every other court.

The procedure of the council did not differ in kind from that of other courts of the day. In cases which required it, the council inspected the rolls of the Exchequer or the records of other courts, which were often sent from a distance under seal. When new evidence was required, it ordered inquests to be held by the sheriffs, with the aid of a jury, and the reports to be sent. Processes were begun, as the accounts show, by petition of litigants. No petitions of this early date addressed to the council have been found. A petition of Philip de Ulecot, addressed to the king in 1220, is preserved.[4] It was not necessary that the council should render final decisions. It might refer the matter to the proper court, and require it to proceed to judgment. Yet no doubt, in the early time, the council did render final judgments more freely than it did later, when its business became greater. The council certainly had more power behind it than any other court, and might be expected to proceed as expeditiously as any. It is

[1] *Rot. Lit. Claus.* i. 549. [2] *Calendar Doc. Scot.* i. 335.

[3] *Rot. Lit. Claus.* i. 320, 361, 477, 479; *Abbreviatio Placitorum*, 141; *Excerpta e Rotulis Finium*, 88 &c.

[4] *Diplomatic Documents, Chancery*, no. 673.

astonishing to find, however, the large number of defaults, failures to appear, and postponements which appear in the records.[1]

§ 4. *In general administration.*—It was customary for the administrative orders, such as are contained in the patent rolls and close rolls, to be attested in the name of the king, the justiciar, or other authority responsible. The phrase *per justiciarium et consilium*, or something similar, is evidence of the council's action. From such evidence it does not appear that the council had to do with most matters, or that it consistently had to do with any particular matters; it dealt often with small things, it sometimes failed to deal with larger things. It is not always possible to see why in one instance the authority of the council should be called upon, and in another instance equally important the authority of a single officer be sufficient. Thus in 1220 why should the justices for the assizes of novel disseisin be appointed by the justiciar, when in the same year the justices for the assizes of *mort d'ancestor* were named by the justiciar and council?[2] For certain periods its authority is quoted more frequently than at others. Without trying to state the powers of the council, which were as indefinite as the royal prerogative itself, it would be useful to point out certain subjects of administration which the council did assume to control. One would expect to find these to be matters of traditional royal rights.

The general survey or perambulation of the forest, made in accord with the charter of the forest, was carried out under the special supervision of the council. Beginning in 1219, itinerant commissions to make the survey in the various counties were named by the justiciar and council;[3] they were to make inquests as to the boundaries, and to send their reports to the council,[4] which they did. The finding of facts by the commissioners left questions for the discretion of the council to decide, as to whether parts should remain

[1] *Abb. Plac.*, *passim*.
[2] *Calendar Patent Rolls*, 262.
[3] *Rot. Lit. Claus.* i. 4th year, *passim*.
[4] *Ibid.* ii. 56; *Calendar Patent Rolls*, 190, 258, 568.

forest or not.[1] Letters were sent to sheriffs from the justiciar and council, requiring that the boundaries so determined should be observed.[2] Persons who had encroached on the forests or had injured them were to be brought before the council.[3] The council also received complaints on the part of men of the forest of the excessive fines and other oppressions committed by keepers; it sent letters to John Marshall and others warning them against making such extortions.[4] In 1220 a letter to John of Monmouth, forester, directed that those who had forges in the Forest of Dean, and claimed to have them by charters and letters, should come before Hubert de Burgh and the council to have it determined who ought to have forges in that forest, and who not.[5] In 1220 a letter to Engelard de Cygony required that men should not cut wood or sell it at the time of the perambulation, until the survey should be accepted by 'us or our council.'[6] In 1223 the right of John of Monmouth to the custody of the Forest of Clarendon was decided judicially by the council, he claiming it 'by reason of the inheritance of his former wife.'[7]

Church questions were another subject of constant concern to the council, especially as elections and vacancies bore upon the prerogative. During the minority the royal rights over the election of candidates were more than once insisted upon.

In 1218, when messengers came to announce the election of a pastor to the see of Lismore in Ireland, and to ask for the royal confirmation, the council refused to recognise the validity of an election which had been made without a licence. The canons, however, were afterwards permitted to elect the same candidate.[8] In 1220 a letter to the dean and chapter of the church at Bordeaux commanded them to elect a bishop who should not be suspected by the king and his council.[9] In 1226 the consent of the king to an election

[1] *Rot. Lit. Claus.* ii. 209; *Calendar Patent Rolls*, 9th year, 568.
[2] *Rot. Lit. Claus.* ii. 56, 80.
[3] *Ibid.* i. 406. [4] *Ibid.* 433–434. [5] *Ibid.* 428. [6] *Ibid.* 417.
[7] *Ibid.* 531. [8] *Calendar Patent Rolls*, 183. [9] *Fœdera*, i. 164.

made by the prior and monks of Durham, on deliberation of the council, was refused because they had not a licence.[1] The revenues of church vacancies which were in the king's hand were said in some instances to be completely under the supervision of the council.[2]

Finally, it may be briefly noted, as a fact of special importance for the future, that the government of the outlying dependencies, including Ireland, Poitou, and Gascony, received direction from the council. In 1220 an order, general enough to be called an ordinance, was issued that the king's money should be made and have currency in Poitou.[3] In the same year the justiciar of Ireland was called to report before the council on affairs of Ireland.[4] Many of the illustrations taken from administrative letters and judicial decisions show the attempts of the council to govern the dependencies.

A few observations in conclusion will close the present paper. The council of the period of Henry III.'s minority was more than a temporary board of regency. Apart from the king's incompetence, the council filled a need in relations with each of the courts and organs of government as a board of supervision and appeal. While other courts tended to narrow their jurisdictions according to rules and precedents, the council maintained a freedom of action which permitted it to be politic and equitable. In the brief period under review it already grasped the most important powers, which it continued to hold. That it did not fall into abeyance at the close of the minority, enough illustrations later than 1227 have been given to show. To give the council definite and complete organic character there still were lacking two essential features, namely the councillor's oath, and its own council records. The one was necessary to define its membership, the other was necessary to give it independent

[1] *Calendar Patent Rolls*, 64; also 228, 282.

[2] 'Quod de terris, wardis, escætis, prebendis, et omnibus beneficiis ad dictum episcopatum pertinentibus, dum dictus episcopatus fuerit in custodia sua, operabitur per consilium nostrum.' *Calendar Patent Rolls*, 1st volume, 377; also 106, 210.

[3] *Calendar Patent Rolls*, 232. [4] *Royal Letters*, i. 128.

standing. Of these for the present I shall only say that the councillor's oath existed earlier than has yet been said, and that council records are in existence much earlier than have ever been put into publication.

APPENDIX

List of the Councillors

The following list includes those who from the official sources are named as of the council during the whole or part of the minority period. The list can be but an imperfect one at best. Of the magnates the status is tolerably clear; that of the minor men is doubtful.

William Marshall, earl of Pembroke, 'rector regis et regni,' d. 1219.
Guala the legate, until 1218.
Pandulf the legate, until 1226.
Stephen Langton, archbishop of Canterbury, d. 1228.
Hubert de Burgh, the justiciar.
(The headship of the council was vested in each of the foregoing five magnates).
Walter de Gray, archbishop of York.
Henry, archbishop of Dublin, justiciar of Ireland, 1221–1224.
Peter des Roches, bishop of Winchester. In no way is he represented as head of the council. (Compare Stubbs, C.H., ii. 31.)
Richard de Marisco, bishop of Durham and chancellor until 1226.
Ralph de Neville, vice-chancellor, and in 1226 chancellor.
Joceline, bishop of Bath and Wells, and in 1224 bishop of Chichester.
Richard le Poor, bishop of Salisbury.
William, bishop of London until 1221.
Eustace de Fauconbridge, treasurer in 1217, bishop of London 1221–1228.
Hugh of Wells, bishop of Lincoln.
Ralph, bishop of Chichester, d. 1222.
John, Geoffrey, and Hugh, in turn bishops of Ely.
Walter Mauclerc, bishop of Carlisle.
Benedict and Henry de Sanford, in turn bishops of Rochester.
Silvester, bishop of Worcester.

Queen Isabella on one occasion at least considered it her right to be among the councillors. ('Royal Letters,' i. 43.)

William de Longespée, earl of Salisbury, d. 1226.

Ralph de Blundeville, earl of Chester.

Gilbert de Clare, earl of Gloucester and Hertford.

William of Ferrers, earl of Derby.

William Warenne, earl of Surrey.

Falkes de Breauté, the prominent Norman soldier raised by John as a sheriff and custodian of castles. He is reputed as one of John's 'evil councillors.' Nevertheless his services continued to be required and rewarded during the minority. He was more constant in his presence at the council than most of the barons. His name attests many of the public and private charters. A letter of his to Hubert de Burgh in 1217 would indicate that at that time he was on good terms with the justiciar and his colleagues ('Royal Letters,' i. 5). His rebellion in 1224 marks his fall.

William Briwer has also been given a bad name as an 'evil councillor' of John, which is supported by the fact that he was opposed to the charters of liberties. He was one of the barons of the exchequer, being one of the two or three who are mentioned as residing at the exchequer. In the labours of the council, hearing cases and attesting charters, he was the most assiduous of all the barons. His services were suitably rewarded by orders of the council.

Walter de Lacy.

William de Cantilupe.

Martin de Pateshull was the first man in England to be eminent as a jurist without other rank or office (Maitland, 'Bracton's Note Book,' i. 45). More often than any other he was employed on itinerant commissions, in which he was a tireless worker. It was from his decisions at law that Bracton largely chose his authorities. He was with the council when it had judicial decisions to give. Many times he was the only justice associated with the magnates.

Stephen de Segrave was another of the new class of purely professional justices. Younger than Pateshull, he was beginning his career under the minority, and rose to supreme influence in years following. In 1228 the king, in a certain judicial question before the council, wrote that he would do nothing without the counsel of Pateshull and Segrave ('Calendar Close Rolls,' 108).

The following are judges and officials of minor rank, who were either associated with the councillors or in the service of the council, but who were not certainly of the council:

Robert of Lexington, Thomas de Moleton, Henry de Braibroc were justices *de banco*. They were associated with magnates of the council in the case of the bishop of Hereford in 1227. Lexington afterwards became a very prominent councillor.

Ralph fitz Nicholas, Godfrey de Crancombe, Henry de Capella were stewards of the household, whose names were constantly placed upon charters.

Philip of Albiny was employed on some of the most responsible diplomatic missions, in company with bishops of the council, receiving instructions from the council. Grants were made him by the king as 'our knight.' In 1227 he was given the custody of the honour of Wallingford.

Brian de Insula was a keeper of forests and custodian of castles. In 1221 he was made chief forester, and in custody of all the forests. His constant presence at court is evidenced by his witness of charters.

Ralph Brito was a *protégé* of Hubert de Burgh, and was one of a number who gained their foothold during the minority and afterwards became powerful at the court. He was one of the council in the Hereford case of 1227. He became treasurer and a favourite councillor.

Geoffrey de Neville, a chamberlain, sheriff of York, in 1218 seneschal of Poitou and Gascony. In 1220 he was one of those who swore to observe the agreements with the Scottish king.

THE ENGLISH OCCUPATION OF TANGIER (1661–1683).[1]

By MISS ENID ROUTH, F.R.Hist.S.

Read April 13, 1905.

WHEN Charles II. announced his impending marriage with Catharine of Portugal, the inclusion of Tangier in the Princess's dowry was the most popular clause of the marriage treaty.

English hopes ran even higher round the little African port than over the companion gift of Bombay, for Tangier, situated almost on the north-west point of Morocco, lay in the direct trade route from the Levant to Western Europe. The English Consul at Lisbon pointed out[2] that it might from its position become a magazine for all the Levant, a port which would be used by the Spanish West India fleet homeward bound to Seville or Cadiz, in order to avoid the high duties imposed by the Crown of Spain in its own ports—valuable asset this in case of war with Holland, Spain, or France.

It was, moreover, easy to see the advantage to English merchantmen in a friendly port open to them in case of need, for piracy was rife in the Mediterranean, and 'Sallee rovers' Corsairs from Algiers, Tripoli, and Tunis, with privateers of all nations, preyed upon such small trading vessels as ventured to pursue their calling without efficient convoy. Numbers of Christian prisoners—many Englishmen among them—were taken every year by Moorish pirates; the tale of their sufferings under the barbarous treatment of their captors was repeated throughout Europe; warfare carried on against

[1] References are to *State Papers* (P. R. O.), Col. Corresp., Tangier, unless otherwise stated. For further titles, *see* pp. 77, 78.

[2] *State Papers*, Portugal, v. 200, P. R. O.

these pirates assumed the character of a post-mediæval Crusade, and the acquisition of Tangier was welcomed as a means of putting down the terror of the Mediterranean and of advancing the interests of Christendom.

Queen Luisa of Portugal appears to have been glad enough to be honourably rid of a possession which was too costly to be maintained by her country, now involved more deeply than ever in the struggle to defend its liberty against its Spanish neighbour, and thought it none too high a price to pay for a renewal of the English alliance; the Portuguese inhabitants of Tangier, however, were indignant at the cession to English heretics of a city which was almost the last remnant of their country's once considerable dominions in Africa.

Tangier had been abandoned to Portugal by the Moors in 1471, and passed into Spanish hands, with the rest of the Portuguese possessions in these parts, in 1580. When, in 1640, Portugal succeeded in throwing off the Spanish yoke, Tangier with Ceuta yet remained in the possession of Spain, but the former city reverted to the Portuguese three years later. Spain, however, at the time of the English occupation still looked on Tangier with jealous eyes, professing to regard it as a rebel city,[1] and refusing to recognise the justice of England's claim to its possession.

Charles II.'s policy in regard to Tangier, admirable in principle, though it proved disastrous in detail, is embodied in his instructions to Lord Peterborough,[2] the first Governor of Tangier, as follows:—'Our main design in putting Ourself to this great charge for making this addition to our Dominions being to *gaine our Subjects the Trade of Barbary and to enlarge our Dominions in that Sea* . . . we are gratiously pleased that no duties or customs or other taxes whatsoever shall be laid by us upon any good imported to or exported from Our city of Tanger, and . . . it shall be and remain a free port.' Lord Peterborough's commission appointed him Governor-General of 'Our city of Tangier and suburbs thereof, and of

[1] Col. Corresp., Tangier, iii. 37. [2] *State Papers*, No. 1.

all other Cities Towns and Villages, Forts Castles and Islands, Lands and Countries which now are or which hereafter shall be delivered or reduced to our obedience.'[1] It is, then, perhaps only just to give to Charles II. and his advisers the credit for a bold and hopeful scheme of colonial expansion, in place of the useless tenure of French or Dutch cautionary towns; for it is clear that the English Court, ignoring all difficulties, hoped by the possession of Tangier to build up a large and profitable trade with Morocco, to gain the all-important advantage of a secure footing in the Mediterranean, to ensure the safety of English merchant ships in that sea, and to make Tangier a watch-tower against the designs of Spain and the nucleus of an extensive commercial empire on the coast of North Africa. Unfortunately, Charles II.'s Government was unable to realise this ambitious scheme, for its success depended on (1) the command of the sea, which was hard to maintain owing to the unserviceable condition of many of the king's ships, and (2) on the regular despatch of adequate supplies, which financial embarrassment often made impossible. The whole story of the occupation of Tangier, as told in the 'State Papers,' is one of indifference, ignorance, and mismanagement on the part of Ministers at home, of self-interest, peculation, and carelessness on the part of most of the governors of the city, and of an heroic struggle maintained by the garrison, to which was entrusted the almost hopeless task of defending the place against a fanatical and able enemy, while hampered by an insufficiency of men, money, arms, ammunition, and almost everything that is necessary to carry on a successful campaign. The English Consul at Lisbon had, indeed, reported the Moors to be 'a very effeminate people,'[2] to be easily kept at bay by 2,000 European troops, and Peterborough was accordingly despatched with about 3,000 men, one regiment being raised by himself in his own name,[3] and the rest sent from

[1] *State Papers*, No. 1.
[2] *State Papers*, Portugal, v. 200.
[3] *State Papers*, Tangier, i., September 13, 1661.

Dunkirk.[1] The first establishment consisted of four regiments,[2] which were in 1763 reorganised into two,[3] one English and one Irish, of 1,000 men each, and later still into one,[4] the old Tangier Regiment, now the Queen's Royal West Surrey Regiment. The cost of the establishment was estimated at 70,000*l.* a year,[5] and by an Order in Council of October 25, 1661, the pay of the garrison was to be carefully provided and paid quarterly.[6]

The English forces reached Tangier Bay on January 29, 1662, and on the next day Lord Peterborough marched into the town at the head of his regiment and received the keys of the gates from the Portuguese Governor.

Lord Sandwich, who had been guarding Tangier until the arrival of the troops, did good service in aiding their disembarkation, and before his departure made a survey of the bay, with a view to finding the best place for the famous mole, in accordance with instructions from home. A fortnight later Lord Sandwich's fleet left the garrison to make the best of its position in the isolated town, flanked by sandhills, with an unexplored country beyond them, which it was directed to make ready for English settlers and merchants. The place was left by the Portuguese inhabitants 'very little better than a ruine of walls,'[7] as Peterborough reported to the Lords of the Council, and 'full of spoile scarsity and want as to all such materialls and utensills as could have given assistance to English souldiers.'[8] The Portuguese carried away everything they could get on board ship, even to 'the very ffloers, the Windowes and the Dores.' The ruined condition of the town and fortifications turned the Governor's attention to the need of making terms with the Moorish chief whom the English called 'Gayland,'[9] and whom they soon came to know only too well. This prince, who held precarious sway

[1] *State Papers*, Tangier, i., Instructions to Peterborough: undated.
[2] Davis, p. 19.
[3] *State Papers*, Tangier, ii. 66.
[4] *Ibid.* vi. 121, and viii. 30.
[5] *Ibid.* ii. 22.
[6] *Ibid.* i. 46.
[7] *Ibid.* i. 92.
[8] *Ibid.* i. 90.
[9] 'Abd Allah Ghaïlân.

over twenty-two neighbouring tribes, is quaintly described as follows in a pamphlet dated 1664[1]:—

'His person looks handsomer than his condition; his look is fat and plain, but his nature close and reserved. He is plump, yet melancholy; valiant, yet sly; boisterous, yet of few words; careful, and intemperate, a contradiction in nature. He hath two qualities that may do anything—(1) Perfidiousness; (2) Cruelty. When he swears most solemnly, then you may be sure he lyeth, so treacherous he is, and when fawns most basely, then you must look for mischief, so bloody he is.' The army with which this redoubtable chief appeared before Tangier Peterborough described as 'about 5,000 horse, able, dexterous, sober, valliant, incomparably well armed and cloathed, and horsed.'[2] The Governor made every effort to obtain a treaty of peace with the Moors, but Ghaïlàn's terms were impossible and the negotiations fell through. (He demanded fifty barrels of powder, the use of English ships whenever he wanted them, and the prohibition of trade between Tangier and Tetuan, with which place he was at war.)[3] After this constant skirmishes took place between the garrison and the Moors, and urgent requests were sent home for arms and ammunition, 'the Gunns being the greatest part dismounted, and the rest with carriages unfit for service on any occasion.'[4]

Before the end of the year Charles II. instituted the Tangier Committee,[5] which numbered among its members the Duke of York, Prince Rupert, Lord Sandwich, Mr. (afterwards Sir Hugh) Cholmley, and Samuel Pepys, who was appointed Treasurer in 1665, and to whom most of our information regarding the proceedings of the Committee is due.

One of the earliest acts of the Commissioners was to place a contract for building the mole[6] with Lord Rutherford (afterwards Lord Teviot and Governor of Tangier), Sir John Lawson, and Mr. Cholmley. The object was to improve the harbour, naturally a poor one, by affording protection against

[1] *A Description of Tangier*, Brit. Mus. [2] *State Papers*, i. 109.
[3] *Ibid.* i. 110. [4] *Ibid.* i. 92. [5] *Ibid.* i. 147. [6] *Ibid.* ii. 16–21.

the violent storms of the Atlantic and the strong Levant winds. The price agreed upon was 13*s.* (afterwards 17*s.*) per cubic yard; but in 1669, Sir H. Cholmley being the only surviving contractor, the contract was cancelled and Cholmley appointed surveyor-general of the work.

The mole was built on the north of the bay, where a ledge of rocks formed a natural protection. It was the greatest engineering work as yet undertaken by Englishmen, and Sir Hugh gives an interesting account of it.[1]

It was, he says, the first work of the kind ever attempted in deep water and with a flowing tide. He experienced much difficulty from (1) the uncertainty of the weather; (2) the softness of the stone obtained from local quarries; (3) the silting up of sand in the bay; and (4) 'the very bad and dilatory payment by tallies' anticipated from twenty-four to thirty months. 'Instead of money,' he says, 'he never got anything but orders upon the Exchequer, which . . . were scarce passable upon any terms.' His original account, preserved in the Audit Office, shows that he received from the Treasury between March 1763 and June 1776 the sum of 265,108*l.* 14*s.* 8½*d.* Sir Hugh had much trouble to persuade 'masons, miners, and other artists and workmen'[2] to go to Tangier from England, and the mole was built almost entirely by soldiers of the garrison; in 1665 Lord Belasyse wrote that 400 soldiers were daily employed on the mole and fortifications, and he asked for two more companies, 'to make up y^e^ establishment to 2,000 foot, as in my Lord Teviot's time. . . . We labour and toyle like horses to promote these great workes,' he added, 'and our dewty is soe hard as 'tis impossible to perform it under a less number.'[3]

In 1665 a battery was built on the Mole, and proved a valuable defence to seaward.[4] In 1668 the length of the mole was 380 yards, its mean width being 36 yards; but the storms of 1670 and 1674, when Sir Hugh was in England, caused serious damage both to his work and reputation,

[1] *An Account of Tangier.* [2] *State Papers*, iv. 40. [3] *Ibid.* iv. 76. [4] *Ibid.* iv. 105.

though 'he knew,' he said, 'how to cure the evil, if the perplexities of an Exchequer account could give him leave to go to Tangier.' He offered to repair the breaches made by the storms, carry the mole 100 yards farther into the sea (making a harbour of 4 fathoms at low water), and complete the whole in six years. He was much disappointed when the Commissioners accepted the counter-proposals of Mr. Shere, a young engineer, who was strongly in favour of imitating the new mole at Genoa, and making the foundations of 'chest-work,' *i.e.* great wooden chests, filled with stones and cement, weighing from 500 to 2,000 tons. Sir Hugh thought that no solid and contiguous structure could possibly resist the force of the Atlantic; for, he says, at Whitby, where neither loose rocks nor solid masonry could withstand the heavy seas, he 'happened to observe that a small tree (set up as a mark for shipping) stood the same seas that laid level the body of a work so massy, . . . and concluded that this came because the sea had a free passage about the tree.' His own idea was to protect the mole by rows of piles 'shod with iron and well steeled at the points,' and pillars of masonry set corner-wise to the incoming tide. Mr. Shere seems to have had little more success than his predecessor, for after 1675 only 42 more yards were completed,[1] and after 1679 the work ceased, every available man being needed to defend Tangier against the Moors.

Lord Teviot's Government, from 1663–64, was perhaps the most hopeful period of the occupation; though he, like other Governors, was open to the charge of wasting the king's money to his own profit,[2] and he was thoughtless enough to forget that the soldiers under his command would need provisions during their voyage to Tangier.[3]

Teviot, however, was a keen soldier, and his troops shared his enthusiasm. He at once set to work on extensive fortifications, and tried to gain Ghaïlàn's consent to the continuation

[1] Total length about 478 yds. Shere's Report, Dartmouth MSS., vol. i. p. 102.
[2] *Pepys's Diary*, September 30, 1663, and May 19, 1664.
[3] *State Papers*, ii. 173.

of the English lines;[1] but the Moor sent word that the Mohammedan law would not permit him to allow Christians to erect fortifications in Africa.[2] Fighting began, and the Moors were repulsed after a hot attack. A letter from Tangier at this time tells of Teviot's energy and popularity[3]: 'His Ex^ce^ has his tent close by the new ffort,' the letter runs, 'where he eats and lodges constantly, having not laid in a bed this month. All sorts of persons receive great satisfactions in his government, and are much encouraged to serve their Prince under so prudent a conduct.' The Moors, the writer adds, regard Teviot with superstitious fear, saying that 'he is a man of success and cannot be beaten.'

Teviot himself wrote hopefully, saying, 'it is wonderful the progress we have made in fortifying our retranchments by the indefatigable pains and labour of our sogers and the extraordinary diligence of our officers, all stryving to surpass one another for his Ma^ties^ service . . . if his Ex: Gayland . . . doe not attaque us with all his forces to-morrow or Monday I dare answer to his Majestie to put a paire of spectacles on Gayland's nose y^t^ will trouble him so as to oblige him at last to a peace. . . . Nay, which is more, that for attaquein I dare almost promise good success, for I never saw officers and sogers more eager and ready to fight. . . . I hope my next sall efford better news.'[4]

But all these hopes were shattered by the fatal disaster of May 4, 1664, when Teviot, encouraged by the success of his reconnaissances, and thinking the country clear, ordered the horse to forage to the south-east, while he himself, wrote Colonel Bridges in his official report,[5] resolved 'to goe into the wood with some foot to cutt wood,' and 'went over the valley to the west hill . . . and tooke with him 7 battalions . . . the best and choycest of our men; . . . but so it was, before they came up to the middle partey of the hill in the wood, several ambushes of foote discovered themselves, which . . . our men drove to

[1] *State Papers*, iii. 20. [2] *Ibid.* iii. 34. [3] *Ibid.* iii. 32.
[4] *Ibid.* iii. 34. [5] *Ibid.* iii. 53.

a retreate, but presently on all handes they rose up and appeared in such great numbers that they immediately had surrounded our men ; at the same time the horse started upp round about in the valley and on the hills to the S.E. not less than 2,000, and came pouring downe not only upon our horse, but tooke the advantage in a moment to fall betweene the wood where our foot were, and the hill, that although it was evident our men fought as resolutely, and gave as good fyer as men could doe, they being thus surrounded with their army of horse and foote, our worthy Gen^rll, the officers and gentlemen with him, and all the whole party of the soldiers were cutt off, not 30 of them as I can find that ever came off.' Nearly 500 men were lost with Teviot in this engagement. The Moors themselves paid so dearly for their success that they did not venture to renew the attack for some time, and Colonel Alsop wrote a month later [1] that not an inch of ground nor a single man had been lost since the Earl's death. The condition of Tangier after this reverse was, however, extremely serious,[2] and the dangers threatening the weakened garrison were increased by the existence of negotiations between Spain and the Moors, which were notified by Consul Wescombe as early as 1663.[3] That the Spaniards, and particularly the Duke of Medina Celi, were now supplying the Moors with arms and powder may be gathered from the correspondence of Wescombe with the Governor of Tangier, which was kept up by means of a boat plying between Tangier and Tarifa every week.[4] This enabled the Tangier despatches to be sent home overland, *via* Madrid, with greater safety and regularity than could be ensured by sea.

The Dutch war of 1665 rendered the English tenure of Tangier still more precarious ; eighteen Dutch men-of-war attempted to blockade the town,[5] and though the guns on the mole prevented an attack, these eighteen ships, Wescombe says,[6] captured twenty-five English vessels in or about the

[1] Fanshaw MSS., p. 158.
[2] *State Papers*, iii. 71, 73, 110.
[3] *Ibid.* ii. 134.
[4] Fanshaw, p. 195, and *State Papers*, iii. 216.
[5] *State Papers*, iv. 105.
[6] Fanshaw, p. 220.

Straits in the course of a year, several being laden with provisions for Tangier.

After 1665 things went from bad to worse; letters of this and succeeding years contain bitter complaints of neglect in England, where more pressing affairs absorbed the attention and resources of the Government. Letters from a Governor of Tangier to the Secretary of State often lay unanswered for months together; supplies were slow, insufficient, of poor quality,[1] and badly convoyed;[2] in spite of reiterated demands for a few ships to patrol the coast,[3] not one was available to prevent the capture of Sallee by Ghaïlàn,[4] or to check the raids of Moorish pirates, who took many English captives. Great difficulty was experienced in obtaining lime for the fortifications, since its importation from Spain was prohibited;[5] there was scarcity of building materials of every kind,[6] though the heavy rains of winter had disastrous effect on the mud walls both of fortifications and houses, and made repairs imperative.[7] Constant petitions were sent home for the pay of the garrison, seldom less than nine months in arrears, while in 1772 more than two years' pay was owing, so that even when the Moors brought in fresh provisions the soldiers either could not buy them, or were forced to give arms and ammunition in exchange;[8] and a diet of salt meat and bread made of musty flour drove them, says Sir Hugh Cholmley, when they did get 'a flood of money, to spend it all in a week,'[9] for the most part on bad brandy, and this, coupled with the insanitary state of the town, spread disease among the garrison;[10] many even died for want of food, and the hospital, Sir Hugh writes, 'is soe badd, men fly it as the grave.' Water was sometimes scarce, for many wells became dried up and lost; the Portuguese Governor had given Peterborough a valuable plan of all conduit-heads and heads of watercourses, but it was never seen after he left Tangier, and he always said coolly that 'he had mislaid it.'[11]

[1] *State Papers*, iv. 102. [2] *Ibid.* iv. 166.
[3] *Ibid.* iv. 65. [4] *Ibid.* iii. 256. [5] *Ibid.* iii. 160. [6] *Ibid.* iv. 15.
[7] *Ibid.* iv. 10. [8] Davis, p. 105. [9] *State Papers*, iv. 43.
[10] *Ibid.* iv. 167. [11] Smith, *Life of Pepys*, p. 444.

For some time after the disaster of 1664 expeditions beyond the English lines were considered 'useless and dangerous,'[1] and the vitality of the colony was impaired by the impossibility of expanding its boundaries. Ghaïlàn was engaged in fighting Moorish rivals, and the English officers finding life in Tangier unbearably monotonous,[2] frequently overstayed their leave. Their only communication with the outside world was by means of ships, and England was three weeks' voyage away; the 'newsbooks' sent by Consul Wescombe from Cadiz were very welcome to men who saw (as Teviot said) 'nothing but Moors and the four elements.'[3]

Lord Belasyse, however, wrote enthusiastically of Tangier when he arrived in the spring of 1765, and found 'All y^e^ orrange-trees tipped with flowers,' which he 'left in England so with snow and ice.'[4]

'His Ma^ty^,' he thought, 'would have a greater esteame off it than any other off his dominions, weare he heare to see y^e^ prospects off y^e^ Streights uppon Spain, the shipps that pass, the frutefull mountagnes off Affrique, the fragrent perfumes off flowers, rare frutes and sallads, excellent ayre, meates and wines, which this place most seamingly affords, or shall doe.'

In 1766 Lord Belasyse was fortunately able to conclude a peace with the Moors,[5] which left him free to repair the old out-works and to sow corn within certain limits, and the English after this even helped Ghaïlàn, until his death, in his unsuccessful struggle against Er Rasheed II., 'The Great Tafiletta.' This prince was looked upon with suspicion by the garrison, owing to his correspondence with the French,[6] who were said to 'intend to make themselves famous for seeking out a footing' in Morocco.[7]

The Tangier Committee was much exercised by the costliness of maintaining the garrison, and in 1668 the establishment was reduced. Pepys wrote (1667): 'It is plain we do overspend our revenue; it is of no more profit to the king than it was the first day . . . no more people of condition willing to live

[1] *State Papers*, iv. 72. [2] *Ibid.* iii. 214. [3] *Ibid.* iii. 42.
[4] *Ibid.* iv. 71. [5] *Ibid.* vi. 27. [6] *Ibid.* vi. 51.
[7] *A Description of Tangier*, Brit. Mus.

there, nor anything like a place likely to turn his Majesty to account; it hath been hitherto, and for aught I can see likely only to be, used as a job to do a kindness to some lord, or he that can get to be governor.'

In 1668 the Committee obtained a charter establishing a civil government, or corporation for the better governing of Tangier, consisting of a mayor (Mr. Bland), six aldermen, and twelve common council; but disputes soon arose between the civil and military authorities, and Major Fairborne wrote, 'was not the souldiery part very strictly governed, and the officers a well-tempered sort of gentlemen, Mr. Bland's great pride, with his foolishness, would soon breed a great distraction among us.'[1] Lord Middleton, Governor from 1670 till his death in 1675, when Lord Inchiquin succeeded him, reconciled the conflicting parties to some extent, and effected considerable improvements in the details of administration. The enemy with whom the garrison had to deal after 1672 was no less a personage than the Emperor Mulaì Ismaïl, who was as notorious for his unparalleled cruelty and the great number of his Christian slaves as he was famous for his consolidation of the crumbling Empire of Morocco.

'He excells all mankind in barbarous and bloody actions,' wrote an Englishman in 1682, 'massacre and murder being his Royal game and divertisement, which, that it may not cloy his Majesty in one kind, he invents every day a new pastime of cruelty.'[2]

Ismaïl deputed the Alcaïd Omar of Alcazar to conduct the great siege of Tangier in the spring of 1680, when the garrison lost the outer forts and had to fight hard to keep the town itself.[3] In May a four months' truce was arranged, and in October the garrison at last quitted the defensive and, after more hard fighting,[4] in which Admiral Herbert and his sailors gave valuable help,[5] won a complete victory over the Moors, pursuing them for a mile into the open country and regaining all the ground they had lost; though Fairborne,

[1] *State Papers*, x. 113. [2] *Last Account from Fez.* [3] *State Papers*, xxix. 30.
[4] *Ibid.* xxix. 202. [5] *Tangier's Rescue*, 1681.

who had been the moving spirit of the defence, was mortally wounded and died at the moment of victory.

After 1680 relations with Ismaïl grew more friendly; fortunately for Tangier, for, in spite of this great success, the garrison became very demoralised under Colonel Kirke[1] (Governor in 1681) and hardly capable of resisting attack. Kirke reported that 'the great guns are the worst that ever were in any garrison,'[2] the gunners 'are the worst that ever man saw—there is not ten knows the gun from the carriage;' and as for the 'firemaster,' another letter says he 'is certainly a most ignorant person as to the knowledge of any ingredient save brandy.'

In February 1681 Kirke went on an embassy to Ismaïl at Fez, where we are told 'the king returned more favourable answers than could be expected from a prince so haughty' and promised four years' peace. The Embassy was entertained at Mequinez, which they said was 'extremely delightful, the walks being adorned with rows of orange trees, that grew through a pleasant and glittering pavement of painted tiles; the aqueducts and canals of water springing in the middle represent a pleasant and most beautiful scene and charming prospect.'[3] Sir James Leslie concluded peace with Ismaïl in May, and in December a Moorish ambassador was sent to London. The last days of the occupation were, however, now approaching; the hopes with which it was undertaken were still unfulfilled; Charles's 'faithful Commons' feared that Tangier was becoming 'a nursery for Papists' and a stepping-stone to promotion for 'desperate Popish officers'; they answered his recommendation of the place to their care by a refusal to give the matter any consideration until they were 'effectually secured from the imminent and apparent dangers arising from the power of Popish persons and councils' (November 29, 1680).

Want of money decided the English Government in 1683 to send Lord Dartmouth to Tangier,[4] with orders to make a

[1] Smith, *Life of Pepys*, p. 403.
[2] Dartmouth MSS., vol. i. p. 61.
[3] *Last Account from Fez.*
[4] Dartmouth MSS. i. 83.

minute survey of the place, fortifications and mole, and estimates of the cost of maintaining them, and with secret instructions to make his reports justify the determination—already taken, though not yet made public—of abandoning Tangier to the Moors.

Lord Dartmouth's surveyors worked out their estimates of expenditure necessary for the safety of Tangier during the next twelve years at something over £2,000,000, and a list of reasons for destroying the mole was drawn up by Mr. Shere,[1] though he said privately that 'he could answer them all.' He estimated that the work of demolition would take seven or eight months.

Pepys, who accompanied Lord Dartmouth, was engaged in making a valuation of houses, and comments on the 'habits of disorder' of the inhabitants. His final impressions of Tangier seem to have been very unfavourable. 'But Lord!' he wrote, 'how could anybody think a place fit to be kept at this charge that, overlooked by so many hills, can never be secured against an enemy?' It was 'an ordinary place,' he thought, and, 'above all that was remarkable there,' was 'fine Mrs. Kirke, the Governor's lady.' On October 13, 1683, Lord Dartmouth publicly read his commission from the King authorising him to withdraw 'all his subjects and forces' from the place, 'rendering it desolate.'

During the winter the fortifications of Tangier were reduced to a heap of ruins. The mole was demolished with great difficulty, but, according to the official report, was 'so entirely ruinated and destroyed, and the harbour so filled with stones and rubbish,' that neither the mole nor bay was 'in any capacity to afford protection to the ships or vessels of any pirates, robbers, or any enemies of the Christian faith, or any others.' The desertion of Tangier seems to have given satisfaction on the whole, though there were some dissentient voices.

Pepys, in the midst of his complacent reflections on the loss of the place, received a letter imploring him to use all

[1] Dartmouth MSS. i. 102.

his influence to save it.[1] 'Must a place qualified with so many advantageous and unequalled benefits,' wrote his correspondent, 'be parted with on the score of its being chargeable, and we the only people that ever thought so? Where is the honour and reputation of the nation? That alone, a man should think, were sufficient argument for its preservation. The parting with 'it in any manner will render us very inconsiderable and necessitous to all the world, for what will they think of us, esteem or dread us, if we cannot maintain a place so much our convenience to preserve? . . . The parting with the place may draw a war on us. . . . And must nothing in future be minded, but, all in a heat, a present charge be removed, which were better maintained than altered?'

The Moors triumphantly watched the process of evacuation, which they attributed, quotes Budgett Meakin from a Moorish writer,[2] to sheer fright, believing till this day that they alone drove the English from Morocco.

By March 1684 Lord Dartmouth's work was complete, and the last of the English sailed away from their ill-fated possession, giving up all hope of making Tangier the starting-point of a North African empire, and leaving it to sink to the level of a second-rate Moorish port, which, in spite of recent diplomatic efforts, still merits the reputation of being, as Amicis described it, 'the point where the last wave of European civilisation is lost in the great dead sea of African barbarism.'

The present paper is an attempt to indicate the results of a very partial examination of the several sources of information in this country alone relating to the oft-told story of the English occupation of Tangier in the reign of

[1] Charles Russell to Pepys. Smith, *Life, Journals, and Correspondence of Pepys*, pp. 386 and 387.

[2] *Moorish Empire*, p. 154.

Charles II. Amongst the many points of interest connected with the subject which have not been touched upon in this general sketch, the following should be specially noticed :—

1. Diplomatic relations and negotiations with Portugal concerning the cession of Tangier.

1A. Financial arrangements and cost of the occupation.

2. The commercial relations of England with Spain, Portugal, and Holland, as far as they bear on the condition of Tangier.

3. The conditions of trade and of the shipping engaged in it in the Mediterranean, and especially on the African coast.

4. The proceedings of the Tangier Committee.

5. Methods of provisioning the garrison.

6. Military regulations and English and Moorish strategy at Tangier.

7. Progress of fortifications and enclosure of ground round Tangier.

8. The question of the usefulness of the mole.

9. Civil government and population of the town.

10. English relations with the Moors, particularly with Mulaì Ismaïl.

11. Treatment of Jews and other foreigners at Tangier.

12. The Sallee Rovers and the treatment of Christian slaves in Morocco.

12A. The fitting out of English privateers at Tangier.

The sources which have been referred to may be briefly described as follows :—

I. PUBLIC RECORD OFFICE.—(i) *State Papers*, (*a*) *Colonial Correspondence, Tangier*, consisting of a large number of letters dated from Tangier ; reports and letters from the successive Governors of the place, usually addressed to the principal Secretary of State ; instructions to the Governors ; orders on the Treasury for payment of moneys for the garrison ; reports of the Tangier Commissioners, and many law papers, dealing chiefly with suits for debt heard in the court of justice at Tangier, the whole giving a good picture of the state of the place during the English occupation.

(*b*) *State Papers for Portugal and Spain.* A series of letters from the English Consuls in those countries referring to Tangier, and dealing with English commercial relations with the Spaniards and Portuguese.

(*c*) *Domestic State Papers.*

(ii) *Exchequer Records.*—The *Audit Office* and *Pipe Office Declared Accounts* give information about the finances of Tangier, accounts of the military Governors, paymasters, treasurers, and contractors, and Sir Hugh Cholmley's account for the mole.

(iii) *Navy Board* and *War Office Papers*, the latter being of small importance.

II. In the *Pepysian Library* at Cambridge there are notices to be found in Captain Bolland's Mediterranean Papers (a report on the Mediterranean ports and currents by an officer of the Mole, 1676), *Naval Miscellanies*, Shere's *Straits of Gibraltar*, *A Consul's Letters from Algiers*, and *Narbrough's Journals.*

III. Some of *Pepys's Tangier Papers* are in the Rawlinson Collection at the *Bodleian*, where also there are other references.

IV. The *MSS. at the British Museum* contain miscellaneous references to Tangier ; a few letters from Tangier are in the *Harley MSS.* and a few in the *Lauderdale Papers* ; the *Sloane Collection* contains minute-books of courts-martial at Tangier, a court book of civil and criminal cases, and papers relating to the governments of Peterborough, Belasyse, and Middleton. There are in the British Museum several contemporary maps, plans, and views of Tangier.

V. The reports of the Historical MSS. Commission on the Fanshaw and Dartmouth MSS. give many interesting particulars, the former of the earlier years of the occupation, the latter of its closing chapter, the demolition of Tangier under Lord Dartmouth.

VI. Of printed works giving valuable information, it is only necessary to mention *Pepys's Diary* and *Tangier Journal* ; *Sir H. Cholmley's* interesting account[1] of his construction of the mole (privately printed, a copy being in the British

Museum); a number of contemporary pamphlets and printed letters, also in the British Museum; military histories, especially *Colonel John Davis's* 'History of the 2nd Queen's Regiment,' which is based on the Tangier papers in the P. R. O., and contains reproductions of plans in the Royal Library at Windsor; *Mr. Frewen Lord's* chapter on Tangier in 'Lost Possessions of England'; *Mr. Julian Corbett's* 'England in the Mediterranean'; and, for the Moorish side, *Mr. Budgett Meakin's* 'Moorish Empire and Land of the Moors,' and *M. Chenier's* 'Recherches historiques sur les Maures.'

Sir Lambert Playfair's 'Bibliography of Morocco' gives a list of all works on the subject published before 1892.

[1] 1. *An Account of Tangier*, and, 2, *A Short Account of the Mole at Tangier.*

THE BEVERLEY TOWN RIOTS, 1381–2.

COMMUNICATED BY CYRIL T. FLOWER, M.A.

'NOUS devons dire ici,' writes the editor of Réville's 'Le Soulèvement des Travailleurs,' 'que nous n'avons pas pu . . . présenter à notre entière satisfaction les documents relatifs à cette révolte de Beverley, et nous souhaitons que quelque savant Anglais revoie les originaux et contrôle les conclusions.'[1] Without arrogating to himself the degree of erudition which these words imply, an English student might use this note as an excuse for further researches on this subject. Moreover, a fortunate discovery has placed the present writer in a position to supplement both M. Réville's researches and the valuable work which Mr. Leach has done in connection with the history of Beverley. The list of Ancient Petitions at the Record Office shows that the unusually large number of almost fifty consecutive documents appear to relate to Beverley, and after an examination of the documents themselves it was found that with a certain amount of rearrangement they could throw some light on the methods of medieval municipal politics.[2]

Beverley was a town in which any passing trouble would be likely to find a congenial home. The saintly confessor, who was almost the eponymous hero of the place, had in the latter end left to Beverley a doubtful heritage. His godly life had attached to the fane which was built to his honour

[1] p. civ. n. 2.

[2] The documents in question were originally preserved among the series known as Chancery Files—the usual receptacle for records sent up from the provinces to the central Chancery.

a well-known right of sanctuary. In the thirteenth and fourteenth centuries such a privilege did not augur well for the peace and quietness of the town, and had led to considerable difficulties during the reign of Edward III. Beverley was, moreover, a town in which several rival jurisdictions held sway, and this, as we shall see, was in itself a cause of trouble. The conflicting rights of the Archbishop of York and of the chapter of St. John did not lend themselves to the promotion of civic harmony.

Of those who played a conspicuous part in the following episode, Alexander Neville, the turbulent and vigorous Archbishop of York, was perhaps the most prominent. The Archbishop's interests in Beverley were considerable, and it was probably his ambition to extend his influence at the expense of the chapter of St. John. He had a liberty within the town; and his enjoyment of free warren and market-rights had led to considerable litigation at the very beginning of the reign of Richard II. On the other hand, the chapter of St. John of Beverley had claimed considerable rights of jurisdiction to the exclusion of the ministers of the Crown as early as the reign of Henry III.[1]; and in the fifth year of Richard II.—more than a hundred years later—the question was still *sub judice*. Such divergence as may be found in the policy of the latter body, at the time of which we are about to treat, may perhaps be traced to a contemporary suit touching the office of provost. We have, moreover, evidence [2] that the archbishop was involved in personal disputes with the chaplain of the church of St. John and with two of his opponents in the coming struggle. It was therefore natural and easy for the inhabitants of the town to develop a sturdy spirit of partisanship. It would appear that in the strife which ensued at Beverley the Archbishop gave his support to the smaller merchants and tradespeople of the town against those who claimed for themselves the exclusive title of 'probi homines.'

Among these 'graunts gens' the representatives for the

[1] Co. Plac., York, 135. [2] Pat. 4 Ric. II. p. 2, m. 3 d.

time being of the families of Beverley and Coppandale appear to have played the chief part. The Beverleys were persons of considerable importance in the town whose name they bore. In 1377 Thomas de Beverley is a member of the commission of the peace for the liberty of St. John; in 1380 the king appoints him, together with the sheriff of York and Daniel Haselrigg, to arrest one Hugh Hoton; he subsequently appears on commissions in the years 1382 and 1383. Richard de Ravenser, in alienating land for the support of twelve poor men and a chaplain in the hospital of St. Nicholas, includes as the special objects of the prayers of the chaplain, the souls of himself, the king and his mother, Thomas de Beverley and Joan his wife. Adam Coppandale was a merchant of York and Beverley, who had reached a ripe old age after filling many important offices in the latter town. At one time he was joint leader of the men of Beverley in an array of arms; and by letters patent of October 9, 1383, the king, in consideration of his sixty-eight years, specially exempted him from the necessity of taking office. Thomas Coppandale is described as a chaplain, and if, as is probable, he was connected with the Chapter of St. John, additional significance is lent to the quarrel of Alexander of York with that body. As late as the year 1502 a lane in Beverley is sufficiently designated as being 'by Mr. Coppandale's.' Among the other prominent members of this oligarchy were John de Erghun, John Gervays, vintner, John Gervays, goldsmith, and William Dudhill.

The ringleaders of the malcontents were Richard de Midelton, Henry de Newark, Thomas White, 'tyler,' and Richard de Bostan. Their followers included 'souters,' tailors, butchers, 'walkers,' and drapers. They represented, in fact, the lower middle class in Beverley—the small shopkeepers.

The struggle between the Archbishop of York and the Chapter of St. John only affected the present disturbance in so far as it ensured the bourgeoisie the powerful support of the prelate.

The course of the rising really turned on two questions, one of which had reference to the forms of government of Beverley. It will be well to treat the constitutional point at issue first. The charters and records of that town show that the normal government lay in the hands of a body of twelve men, who were chosen annually on St. Mark's Day at the Guildhall by the burgesses, and who at the expiration of their period of office had to render an account of their actions to the twelve who were elected to succeed them. Only twice during the past fifty years had this form of government been superseded. But in the year 1380 the malcontents in Beverley, remembering this precedent and taking advantage of the disturbances of the time, elected Richard de Midelton as Alderman and Henry Newark and Thomas White as chamberlains. The contest was continued into the next year, when we find Thomas de Manby alderman, Simon Cartwryght and William Ithun chamberlains. On March 18, 1382, the king sent a mandate to the good men and burgesses of Beverley to the effect that the town must return to its old form of government; and on April 26 there followed a confirmation of the Beverley charter in favour of the canons and clerks of the church of St. John of Beverley. The rights of the case can be easily determined; it is certain that the oligarchy had the law on their side; it is equally certain that the government had as a matter of fact fallen into the hands of an extremely close corporation, whose method of rule had given those outside this charmed circle a strong inducement to effect a change; nor must it be forgotten that in seeking to do this they were not embarking on an entirely new experiment.

In the actual march of events, this constitutional question was only a side issue. The crisis was reached after a prolonged struggle during which the combatants fought now *vi et armis*, now with the subtler weapons of intrigue and sedition. It is hard to determine the precise facts of the matter or the exact order of events; both parties found expression for their case in legal records which are still extant

and which probably contain their full measure of legal fiction. Naturally their statements do not always coincide. Where they vary, it has generally seemed advisable to accept the statements of the 'probi homines.' In the first place the documents on which they relied are preserved among the Ancient Petitions. Secondly, they were undeniably correct in their statement of the constitutional position.

Fortune at first was on the side of Midelton and his party. Having already secured the common seal of the town and the appointment of their own leaders as alderman and chamberlains of Beverley for the ensuing year (1380–1381), in May of that year they arraigned their opponents before a commission, over which John Bygot presided; and the verdict of the jurors was in their favour.[1] It was held to be proven that Adam Coppandale and others had stolen from the Guildhall of Beverley the sum of £20, the common seal and various charters to the value of £100, and had purloined a further sum of £100, which was to have been paid to Alexander of York as rent for Westwood; that Adam de Coppandale 'vi et armis et in prejudicium prefati Archiepiscopi,' had on the preceding Michaelmas built a wall and house on the common street of Beverley between the common sewer and his own tenement. It was proved before the same court, but before a different body of jurors, that Thomas de Beverley had in July 1378 stolen £24 from the Guildhall; that he had erected buildings at Lathegate and Bradewellayne to the prejudice of the Archbishop; that Adam Coppandale and others had stolen charters and other goods to the value of £20 in November 1380; that Gervays and others sold wine in false measures; that on August 1, 1379, Robert Butemond had with the connivance of Richard de Ravenser—who was, one may notice in passing, a public benefactor of Beverley—stolen a chest and its contents worth £10; that Coppandale had obstructed the river Hull and the high road at St. Mary's Gate. This success emboldened Midelton and his party. In the following month they took a further step.

[1] Coram Rege, Easter, 5 Ric. II. m. 25.

Midelton, Newark and White were now approaching the close of their year of office; and their methods of procedure ceased to be strictly official. On various days between June 8, 1381, and the end of the month, they visited the houses of their leading opponents and by forcible means extracted from each of them a bond with its defeasance, the latter appearing either on the dorse or on a separate piece of parchment. One pair of these documents may be taken as typical of the rest.[1] In the bond Adam de Coppandale promises to pay to Richard de Midelton, alderman of Beverley, £200 sterling on the Nativity of St. John the Baptist next following. The defeasance of the bond is conditional, in the first place, on Coppandale's abiding by the judgment of Alexander of York and his council in all things wherein the commonalty of Beverley can show that he has offended against them, and secondly on his good behaviour for the future. Fourteen of these bonds and eleven defeasances are still extant.

They also extracted certain sums for the king's marriage, which the king never received.

Coppandale and his party placed no reliance on the tender mercies of Alexander, and preferred the alternative of flight. On the 30th of the same month, however, it would appear that Thomas de Beverley succeeded in extracting 600*l.* from the commons of Beverley—a Parthian shot almost too effective to be credible.[2]

But the malcontents had almost had their day. Their successes had probably been far more considerable than appears from the legal records, where one can trace only the careers of a chosen few among the ranks of the opposing forces. However, during the summer of 1381 the general revolt weakened, and the chances of the malcontents in Beverley grew less bright. It was not long before the exiled patricians of the town began to conceive hopes of returning and as a first step towards that end sought the royal ear in a series of petitions, five of which are still on record. Taken

[1] Ancient Petitions, 11201, 11210. [2] Coram Rege, Hil. 6 Ric. II. m. 21.

together, these petitions afford a summary of the grievances of the 'probi homines,' setting out[1]:—

i. That 'les riotours et barettours' had by violence and force of arms compelled the 'good men' to make certain bonds.

ii. That they took the common seal from its proper custody and executed a bond of 1,000 marks.

iii. That they appointed as their authority a recorder, an alderman, two chamberlains, and twenty-four guardians. (Here we have the new polity set out in full.)

iv. That they caused it to be put on record that the bonds they had exacted had never been discharged.

v. That they assaulted the houses of the petitioners and drove them and their wives from Beverley.

vi. That the petitioners are in fear of their lives, and dare not return to their homes.

vii. That the rioters imprisoned Paul de Buddely, a royal servant.

The petitioners therefore prayed that a remedy might be found for these evils, and that the bonds in question, as well as certain indictments heard before John de Bigot, might be cancelled.

These petitions evidently received attention. A steady and persistent flow of royal writs began to descend on all those who held positions of authority in Beverley. On September 26 the king, 'thinking it horrible' that bonds extracted by force should become the basis of legal action, issued a writ[2] directing the sheriffs of the Archbishop of York and other officers within Beverley to put a stop to any such proceedings. On December 10 Thomas de Manby, alderman of Beverley, and the two chamberlains were directed[3] to produce the bonds in Chancery in the following Hilary term and to cause the appearance of Midelton, White, and Newark at the same time and place. The originals of this and a number of other writs are preserved among the set of Ancient Petitions to which reference has been already

[1] Ancient Petitions, 4688, 4700, 8356, 13260, 13262.

[2] Close 5 Ric. II. m. 34d.

[3] Ancient Petitions, 11205.

made, and in the endorsements we have the various returns to these writs. On this occasion Manby declared that the bond had never been in his custody, and that Midelton and the others could not be found. This answer being deemed unsatisfactory, a stringent writ was issued on February 12 directing Manby to produce both bonds and offenders for March 3 ; failing this, he and the chamberlains must appear in person under a penalty of 2,000 marks ; and in the course of the writs doubt is frankly and openly cast on the genuineness of the excuses contained in Manby's previous return.

Meanwhile Beverley, Coppandale, and others had taken advantage of a clause in the general pardon of December 13,[1] and had applied for and received on December 20 a protection[2] in their proceedings before Parliament in the matter of the bonds to extend to the ensuing Easter.

It is to be presumed that Manby appeared on March 3 and pleaded failure, for on March 13 writs[3] are sent out directly to Richard de Bostan (who may have held the office of recorder in Beverley during the preceding year), Newark, and White. These writs set forth that the bonds which were the *fons et origo mali* were in the town chest, secured by four keys ; two were with Manby, and two with Midelton and White ; the key of the house in which the chest lay was in the custody of Bostan. The recipients of the writs were directed to open the doors of the house, be present at the extraction of the bonds, and appear before the king on the octave of Easter under pain of 2,000*l*. The writs are issued 'per concilium,' which may be taken to indicate the increased attention of the royal ear. Manby was also summoned, and the sole result of the writs was his appearance with fifteen bonds and four other documents.

Matters were now approaching a climax in another point at issue—that of the verdicts which had been given against Coppandale's party by the jurors under Bygot's commission. On March 18 a writ was issued to Bygot to produce the

[1] Close 5 Ric. II. m. 23d. [2] Pat. 5 Ric. II. p. 2, m. 3.
[3] Ancient Petitions, 11206–11208.

records of the case before the king for the Easter term. Coppandale and the others put in an appearance on the date mentioned and were temporarily committed to the Marshalsea. In the ensuing term, however, they gained a complete success. The decision of the jury was reversed in every case, and it is significant that in several instances the reason was the production of letters of pardon dated in the preceding term.

So far the 'probi homines' had been eminently successful. The question of the bonds remained to be determined. On April 16 a number of writs were issued.[1] Midelton, who had put in an essoin of sickness, was required to appear before the king on May 5 to show cause why the bonds should not be cancelled. A writ for the arrest of White and others was issued to the sheriff of Yorkshire, who entrusted its execution to various officials in Beverley. The returns show some diversity. The bailiff of the liberty of the chapter of St. John of Beverley replied that he dared not make the arrest for fear of his life. Manfeld answered[2] that, the offence not being of an ecclesiastical nature, the arrest was inconsistent with his priestly office; the others replied that they could not find the parties named.[3] William de Erghom, the sheriff of Yorkshire, adopted the last reply in framing his return to the original writ. The various answers point to a divergence of policy and a continuance of civic strife.

Two days later a mandate was addressed to the inhabitants of Beverley by which the power of the new constitution to levy money was temporarily suspended.[4] Two days later still Midelton and twelve others of his party were summoned to appear on May 12 to answer a charge of extorting money from John Ryton, butcher, and William Roulestan, the occupation of the former of these two indicating a division in the camp of the 'mediocres viri.' From a writ dated May 12 it would appear that this matter was postponed to the fol-

[1] Ancient Petitions, 11221, 11223, 11224, 11231. [2] Ancient Petitions, 11220.
[3] Ancient Petitions, 11221. [4] Close 5 Ric. II. m. 11.

lowing Monday. Meanwhile Spofford and Woodmanse, two of Coppandale's following, found lodging in the Marshalsea.

About the same date as these proceedings two further petitions were sent up to the king. One emanated from the Archbishop of York.[1] Without condescending to go into details, he stated that he had been accused by Coppandale and others of being privy to certain rebellions, and he asked for a trial of the matter. The other is from the good men of Beverley.[2] Its date must be some time in June. It sets forth that on Monday in Whitsun week the men of Beverley were summoned to the Great Hall before Bygot and Sir John de Midelton, clerk. They were requested to sign a blank roll and come to London to justify their evil deeds. There had arrived at Tottenham some sixty who had filched their steeds from the common pasture. These now threaten the good men from day to day that they will meet them outside the king's court (devers l'ostell) and go about with pole-axes and swords in the city of London, so that the good men are in fear of their lives. Prayer is made to the king to examine these evildoers, and also the Lady Isabella, the king's aunt, Robert Rous, and others, serjeants-at-arms and carriers of writs to Beverley, as to the truth of the rebellion of the evildoers, and to enable the petitioners to dwell in safety at Beverley. Much of the matter of this petition is far from clear. The sudden introduction of Isabel de Courcy is bewildering. But it is evident that the *mise-en-scène* has been transferred to the environs of London and that matters could not remain as they were.

A resolution of the difficulties was, however, at hand: A promise by Coppandale and others was entered into on June 14, to keep the peace whilst securities were taken from all the men of Beverley by the Archbishop of York. A list is given of those from whom such securities were taken on June 27.[3]

This seems to have settled the question of the bonds;

[1] Ancient Petitions, 11204. [2] Ancient Petitions, 11237.
[3] Ancient Petitions, 11242.

and, as they are still to be found among the Chancery documents relating to this matter, it is to be presumed that they were cancelled.

On October 18 a general pardon was granted for all misdeeds committed before September 14 last past. Restitution of goods confiscated, and a collective fine of 1,100 marks, were the conditions of pardon.

Certain charges against Thomas de Beverley and his son were, however, held over until the ensuing February, when a royal pardon was pleaded and both were acquitted.

Beverley, however, continued in a state of unrest for some years.

In December 1384 an entry on the Patent Rolls records the pardon of John Rasin,[1] who had caused the death of Richard Bostan, chief captain in the late insurrection. In the *Coram Rege* roll of Easter 1385 we find a record of the trial of John de Erghun and other supporters of the 'probi homines' for a long series of misdeeds, which included a violent assault on Richard de Midelton and the procuring of a false accusation against Botelstane (*i.e.* Bostan) and others. The result of the trial was what might have been expected: Erghun was acquitted.

Even as late as the year 1408 we find an entry on the Patent Rolls,[2] which brings back upon the stage some of the most prominent figures in the stirring scenes of the previous reign. It is a commission of *oyer and terminer*, in form quite normal, but with a certain originality of matter. Robert Manfeld, now, as in the early years of the reign of Richard II., provost of Beverley, complains that certain malefactors and disturbers of the peace of the town have rendered into English certain letters patent, conferring a pardon on the provost for sundry trespasses: these they have posted on the doors of many of the inns of Beverley, setting forth that they are the provost's letters of ordination! Their offence was not diminished by the fact that it took

[1] Pat. 8 Ric. II. m. 1.

[2] 9 H. IV. 2, m. 7d. The writer is indebted to Mr. R. C. Fowler for notice of this entry.

place during Rogation Days, when the most important religious processions of the year were celebrated at Beverley. Comment is unnecessary: the most dignified ecclesiastical figure in Beverley is exposed to the keenest ridicule at the very moment when his pomp and circumstance should reach their culminating point. There follow the usual allegations of riot, murder, mutilation, and violence, in which the bailiff and governors of Beverley, including Thomas son of Adam Coppandale, appear to have been the ringleaders. It was to inquire into and, if necessary, punish these misdeeds that the commission issued.

With regard to the connection of the movement in Beverley with the Peasants' revolt in other parts of England, one has to content oneself with guarded and general statements. It is useless to attempt to build an elaborate superstructure of theory on slight or uncertain foundations of fact. On the one hand, the coincidence of dates is at best incomplete, and there is at Beverley a series of entirely local questions at issue. On the other hand, both the local and the general movement were largely the outcome of the misgovernment which characterised the latter half of the reign of Edward III. It is certain that at Beverley excessive and continuous local taxation was a deep-seated cause of trouble.[1] It is at any rate safe to assume that the success or failure of the larger movement had a vital meaning for those who were engaged in the smaller struggle. Again any connection that may exist between this movement and the history of the gild is at any rate not apparent on the face of the record. It must be admitted that the details of the rising are complicated and of no very great intrinsic importance; but the methods of the two parties and the local questions at issue perhaps lend a certain interest to the story.

There is much that calls for explanation. The order of events given is partly conjectural. The attitude of the alderman of Beverley for 1382 and his colleagues is not quite clear; the mention of Isabel de Courcy is sudden and

[1] Ancient Petitions, 11238.

unexpected; and it is possible that a close examination of the quarrel between the Earl of Northumberland and John of Gaunt, both of whose names appear in the records, might be of service.

All the documents on which this paper is based are among the Ancient Petitions[1] of the Chancery, with the exception of those cited in Réville's work and a few entries on the Patent and Close Rolls of various dates.

The writer has to express his indebtedness to Mr. C. G. Crump of the Public Record Office, who first called his attention to these Beverley records and gave him much help for their interpretation.

APPENDIX

I[2]

Noverint universi per presentes quod ego Adam filius Willelmi Coppandale de Beverlaco, senioris, teneor et per presens scriptum firmiter obligatus sum Ricardo de Midelton Aldermanno Beverlaci in ducentis libris sterlingorum solvendis eidem Ricardo vel suo certo attornato apud Beverlacum in festo Nativitatis sancti Johannis Baptiste proximo futuro sine ulteriori dilacione; ad quam quidem solucionem modo predicto bene et fideliter faciendam obligo me heredes et executores meos ac omnia bona et catalla mea per presentes In cujus rei testimonium presentibus sigillum meum apposui. Datum apud Beverlacum octavo die mensis Junii, anno regni regis Ricardi secundi post conquestum Anglie quarto.

II[3]

Hec indentura testatur quod cum Adam filius Willelmi Coppandale de Beverlaco, senioris, teneatur et per scriptum suum obligatorium firmiter obligetur Ricardo de Midilton aldermanno Beverlaci in ducentis libris serlingorum (*sic*) solvendis certis die et loco in predicto scripto contentis, predictus tamen Ricardus vult et concedit pro se, heredibus et executoribus suis, per presentes, quod si predictus

[1] Nos. 11202–11242. [2] Ancient Petitions, no. 11201.
[3] Ancient Petitions, no. 11210.

Adam racionabiliter stet ordinacioni et judicio venerabilis patris Alexandri archiepiscopi Eboracensis et boni consilii sui in omnibus hiis que per communitatem Beverlaci eidem Ade racionabiliter et legaliter monstrari poterit veraciter et probari quod eidem communitati deliquerit, et quod se bene de cetero ut unus communitatis ville predicte gerat in omnibus licitis erga dictam communitatem, extunc predictum scriptum obligatorium pro nullo habeatur, alioquin in suo robore perseveret et virtute In cujus rei testimonium hiis indenturis partes predicte alternatim sigilla sua apposuerunt Data apud Beverlacum nono die mensis Junii anno regni regis Ricardi secundi post conquestum Anglie quarto.

III[1]

A conseil nostre sieur le roy soi compleignent ascuns de les bones gentz de la ville de Beverley que come Richard de Boston, Richard de Middelton, Richard de Caldewell Henri de Newark Thomas White Telar Johan Williamson flesshewar William de Bury skynner Johan Lekynfeld barker et Geffray Breid riatours et rebellours a nostre dit sieur le roy, par confederacie et conspiracie entre eux faitz, ont levez touz les menes comunes de la dite ville encontre les meutz vaillantz de mesme la ville par fort mayne, et ensaillerent les mesons de plusours de les grantz si que la mesons William Dudhill et Johan Gervays et les maisons de xij autres persons meutz vaillantz de mesme la ville, dont ascuns demuront unquore seallez, et la maison Adam Coppandale un de les plus grantz de mesme la ville abatuez, traittez et despoillez, la merisme [et] la coverture et les . . rres dicelles pris et emportez, acrochant sur eux roial poiar, et diverses burgeis lour femmes et enfantz oustez de lour maisons et les ditz maisons enseallez et divers . . . et raunsons contre la volente de ditz burgeys pris as divers foitz. Et pur doute de mort les ditz grauntz nosent pas demurrer en la dite ville naprocher lour mansions lour femes nenfauntz lour biens ne lour chateux en ycelle et lour comune seal de la dite ville ont pris a force et ont enseallez une obligacion de mille marcs pur paier v^{c} marz soutz le dit seal a un certein person en charge de les grantz et riens en lour avantage, et ont ordeigne officers de eux mesmes en la dite ville pur eux faire jugges en lour causes propres, en desheritance de les ditz grauntz et subversion de la dite ville et de les bones usages avant ses hures en ycelle usez. Et la un Paul de Buddeby qi fuit serviente pur pursuir une bille pur nostre dit sieur le roy

[1] Ancient Petitions, no 4700.

vers les ditz rebelles et avoit proteccion nostre dit sieur le roy fuist emprisone en presence dun serjant darmes nostre dit sieur le roy, a cause qil pursua la dite proteccione et pur accomplir la volente nostre dit sieur le roy, qi ne purroit estre delivere sanz heignous fyn faire a eux, come le dit Paul plus pleinement vous seit monstrer sil fuist present. Qe pleise au dit conseil considerer la dite matiere [et] ordeigner remedie pur dieu et en oevre de charite.

IV [1]

A lour tresredote sieur le roy et a son tressage conseil suppliont ses lieges le grauntz et les plus suffisantz burgeis de la ville de Beverle qe par la ou certeinz riotours et barettours de la dite ville, par conspiracie et confideracie entre eux faitz, leveront touz les menes comunes de la dite ville encontre et sur les ditz grants burgeis et par fort mayne manace et imprisonement de diverses persones des ditz grantz burgeis ount fait, et les ditz grantz burgeis constreint destre obligez par lour obligacions a certeinz persones, ascuns en mille marcz, et ascunz en pluis, et ascunz en meynz; et . . . ceo les ditz comunes acrochauntz a eux real power pristrent le comune seal hors de gardz des gardeins du ycelle et enseallerount un obligacion de v^{c} marcz a un certein persone sur charge les ditz suppliantz; et ont fait de novelle par lour autorite demene un recordour, un altherman et deux chaumberleyns et xxiv gardeins, encontre lour bones ussages et chartres et confermementz sibien de nostre sieur le roy comme de ses progenitours, a tort et contempte de nostre sieur le roy et de sa real mageste; sur qoy les ditz suppliantz nosent approcher le dit ville pur dout mort issuit, qe les ditz riotours, barettours, conspiratours et confideratours safforcent de recorder par proces de loy merchant leffecte de lour obligacions et covenantz issuit faitz par dureste et par defaut selonc la loy merchant. Qe pleise a dit conseil mander as ministres de la dite ville de surcesser, et sur ser (*sic*) sur certein peine de touz maners proces et execucion tochantz les dites obligacions et covenantz faitz puis le fest de Pentecost darrein passe, tanque que lavantdite matier soit pleinement discus par le conseill nostre sieur le roy et aux ordiner autre remedie par dieu et en eovere de charite.

V [2]

Pleise a nostre tresexcellent et tresredoute sieur le roi et a son sage conseille granter et ordeigner en ceste present parlement qe Adam Coppendale, Thomas de Beverley, Johan Gervais, William

[1] Ancient Petitions, no. 8356.

[2] Ancient Petitions, no. 13262.

Dudhill, Johan de Erghum et autres bones gentz de Beverley, queux sont exilez de la ville de Beverley par barettours et rebellours nostre dit sieur le roi en mesme la ville, acrochantz a eux roial poair, par quei ils noeseient approcher la dite ville bien pars ceste an, ne unquore noesent par doute de mort: qils puissent saluement v[enir?] a Beverley demurer et retourner come les lieges nostre dit sieur le roi, sur peyne de forisfaiture de lour franchise: et qe toutz les obligacions [faitz] par les ditz rebellours en charge de la dite ville soient adnullez. Et qils puissent avoir lour aunciene bone governaille, usee par ces l, ans, grantez et confermez par nostre dit sieur le roi et ses progenitours; et vienz toutz les enditementz faitz en temps de rumour par les ditz rebellours de les dites bones gentz maliciousement devant monsieur Johan de Bigot et ses compaignons, les queux enditementz sont faitz venir en banke le roi devant monsieur Robert Tresulyan, et considerez les perdones de les ditz endites, et sils soient adnullables soient adnullez, et qe due pronuncement soit fait de les ditz trespassours, en salvacion de tout le royalme, par dieu et en oevre de charite.

VI[1]

Ricardus dei gratia rex Anglie, Francie et dominus Hibernie dilectis sibi Thome de Manby aldermanno, Simoni Cartwryght et Willelmo Ithoun camerariis ville Beverlaci salutem. Quia facta conquestione nobis in parliamento nostro quod quamplures malefactores et pacis nostre perturbatores de communitate ville predicte, sue prosperitatis immemores, nuper in conventiculis contra pacem nostram insurgentes, in villa predicta ad domos et mansiones quorundam ligeorum nostrorum ibidem armata potencia accesserunt et eisdem ligeis nostris ad ipsos interficiendos ac mansiones et domos suas prosternendas sive comburendas minati fuerunt; et insuper Adam Coppendale Thomam de Beverley Johannem Gerveys Willelmum Dudhill et alios probos homines ejusdem ville diversa scripta obligatoria quammagnas summas continencia, Ricardo de Middelton nuper aldermanno ac Thome White Tyler et Henrico de Neuwark nuper camerariis ville predicte ad certum terminum sub certis forma et condicione solvenda, per hujusmodi vim minas et metum mortis facere et liberare compulerunt; et nobis est supplicatum de remedio in hac parte providere; nos unicuique ligeorum nostrorum quod justum fuerit cupientes de assensu et consilio procerum et magnatum in dicto parliamento nobis assistencium, vobis

[1] Ancient Petitions, no. 11205.

precipimus districtius quo poterimus injungentes, quod eadem scripta obligatoria que penes vos jam resident, ut dicitur, coram nobis in cancellaria nostra in quindena sancti Hillarii proximo futuri ubicumque tunc fuerit salvo et secure mittatis ; et insuper prefatis nuper aldermanno et camerariis ex parte nostra sub forisfactura summe in dictis scriptis contente detis in mandatis, quod tunc sint ibi in propriis personis suis ad ostendendum si quid pro se habeant vel dicere sciant, quare dicta scripta ut ea que per duriciam et compulsionem contra legem regni nostri Anglie facta fuerunt cancellari non debeant et adnullari ; ac prefatos nuper aldermannum et camerarios coram nobis tunc ibidem venire faciatis ex causa predicta, ut, auditis eorum rationibus in hac parte inspectisque et diligenter examinatis scriptis predictis, ulterius in premissis fieri jubere valeamus quod justum fuerit et rationis. Et habeatis ibi hoc breve, nos de eo quod ad presens mandatum nostrum feceritis distincte et aperte certificantes. Teste me ipso apud Westmonasterium x die Decembris anno regni nostri quinto. Martyn.

[*In dorso.*]

Responsum Thome de Manby aldermanni et camerariorum ville Beverlaci infrascriptorum; Quo ad mittendum quedam scripta obligatoria in brevi isto contenta, nulla talia scripta penes nos resident nec unquam in custodia nostra devenerunt, per quod scripta illa ad diem in brevi isto contentam mittere non possimus. Et ulterius dicunt quod Ricardus de Middelton nuper aldermannus, Thomas Whyte Tylere, et Henricus de Newark nuper camerarii infrascripti non fuerunt inventi infra libertatem Beverlaci post recepcionem istius brevis ; propter quod execucionem istius brevis in premissis fieri non potuimus.

VII[1]

[Return to writ directed to the provost of St. John's Church, Beverley, enjoining him to produce White, Newark, and Bostan, in Chancery, dated April 16, 5 Ric. II.]

Responsum Alexandri Archiepiscopi Eboracensis Anglie primatis et apostolice sedis legati. Quia tenore istius brevis inspecto ac contentis in eo et eorum circumstantiis debite consideratis, ex probabili informacione recepi quod infrascripti Thomas White tyghler, Henricus de Newark, et Ricardus de Botston occasionati fuerunt, et sunt, de diversis criminibus et feloniis, tam ad sectam partis quam aliis viis et modis, executionem ejusdem brevis in sui forma propter metum irregularitatis facere non potui nec facere tenebar, ex quo

[1] Ancient Petitions, no. 11222.

contenta in dicto brevi ad forum ecclesiasticum non pertinent et eorum execucio ordini episcopali et ejus honestati obviat et repugnat. Omnia tamen mandata mihi directa et dirigenda, que salvo ordine meo congrue exequi potero, paratus sum et ero facere execucioni debite demandare. Me igitur super non execucione brevis predicti habere velit magestas regia excusatum. Et Thomas de Grimeston ballivus dicti domini archiepiscopi libertatis sue Beverlaci sic respondet quod post recepcionem istius brevis predicti Thomas White, Henricus de Newark et Ricardus de Boston non fuerunt inventi in balliva sua.

VIII[1]

A son tresgracious et tres redoute seigneur nostre seigneur le roi supplie humblement son liege lercevesque d'Everwyk come il, par meyns veritables suggestions faitz par Thomas de Beverlay Adam de Coppendale et autres accusours de lour coneyve par procurement de ses adversairs a son dit seigneur liege de diverses outrages et rebellions faitz par le dit ercevesque encontre son dit seigneur liege et ses gentz deinz le comitee d'Everwyk, soit grevousement et nient veritablement accusez, come il ad entendue, en graunt esclaundre de sa persone et arrierissement de son estat envers son dit seigneur liege, queux accusementz sont nient veritables come il est notoirement conne par tout le dit comitee ; que plese a son dit tresredoute seigneur liege pour salvacion de lestat le dit ercevesque et pour lui purgere de les dit accusementz comandre a son sage conseil de faire venir les ditz accusours devaunt le consail pour declarer lour ditz accusementz et pour trouver suffisant seurtee de prover mesms lours accusementz come par la ley en tiel cas soit purveu et ordine ; parensi que si lours accusementz ne soient trovez veritables, quils eient le juggement come est ordine en celle partie pour Dieu et en overe de charitee.

IX[2]

A notre tresexcellent et tresredoute sieur le roi :

Monstrent humblement ses lieges prodeshommes de Beverley compleignantz par tout ceste an, que come le lundy en la semaigne de Pentecost darrein proclamacion fuist faite parmy toute la dite ville par Piers de Santon et autres par une saigne sonant, que toutz maners burgeis et autres communers serroient a la grante Sale de

[1] Ancient Petitions, no. 11204.

[2] Ancient Petitions, no. 11237.

Beverley devant monsieur Johan Bigot et Sire Johan de Middelton clerc al houre de Prime sur peyne de forsfaiteur de toutz lour biens et enprisonement de lour corps : les queux viendroient et illoeques ensealeront un Ragman blank ove grant numbre, et sur ceo feurent chargez de venir cy a Loundres pur mainteignir lour malveistes encontre les ditz bones gentz : des queux sont venuz cy a Totenham a numbre de lx, ascuns ove lour volentee, et ascuns encountre lour volentee ; les queux malefesours ont pris diverses chivaux hors de commune pasture encontre la volentee de ceux as queux les chivaux sont : manaceantz de jour en autre les ditz prodeshomes de les encountrer devers lostell en maliciouse manere : ascuns alantz ove polax et espeyes en la cite de Loundres ; par quei les ditz bones gentz sont en grant paour de lour vies : qe pleise a son tresgracious roial mageste en qei tout remede gist en ceo cas de mander pour les ditz malfesours et les faire charger par quei coment et en quele manere ils sont faitz venir cy : et qe madame dame Isabelle aunte a notre dit tresredoute sieur le roi, monsieur Rcbert Rous, Richard Hembreg, Nichol Prake, James Lyons et Johan Noselay, sergeantz darmes et messagers portours et conveiours des briefs et mandementz notre dit sieur le roi a Beverley, soient examinez et chargez de dire la verite des rebellions des ditz malfesours, et ordeigner que les ditz compleignantz puissent saluement venir a Beverley demurer et retournir come ses lieges sanz empechement : pour Dieu et en oevre de charite.

X[1]

Ceux sont les noms de rebelles de insurreccion contre mess[r]. le roi demurantz en la ville de Totenham :

Galfridus Bridon suter
Johannes Whyte tyler
Ricardus Wodmanse carnifex
Rogerus Spoford taillor
Willelmus Scofer walker
Johannes de Scaennes
Thomas Chandeler
Thomas Priston
Willelmus Kend
Robertus Sherbrun walker
Robertus Bekynfeld tannor
Robertus Coteler

[1] Ancient Petitions, no. 11233.

Johannes Miller
Johannes Cuteberd taillor
Rogerus Bedeford
Thomas Bedeford
[and 53 others].

XI[1]

Ceux sont les bones gentz de Beverley presentz

Adam Copandale
Thomas de Beverley
Johannes de Kelke
Johannes Jervas
Thomas Manby
Thomas Gerveys
Willelmus Dudyll
Stephanus Coppandale
Thomas Yole
Adam Barkar
Willelmus Roleston
Thomas Cator
Ricardus Aglyoun
Robertus Cotyngham
Johannes Carleton
[and 37 others].

Excipiantur isti de submissione et plures alii quorum nomina ad presens ignorantur.

XII[2]

Nos Alexander permissione divina Eboracensis archiepiscopus Anglie primas et apostolice sedis legatus personaliter existens apud Beverlacum xxvij die mensis Junii anno domini millesimo ccc^mo^. lxxx^mo^ secundo, in presencia domini de Nevyll fratris nostri, Willelmi de Erghom militis vicecomitis Eboraci, Roberti de Nevyll militis de Horneby, et aliorum plurimorum militum comitatus Eboraci, cepimus securitatem de Willelmo Raynald de Beverlaco et omnibus aliis infrascriptis tenentibus nostris ejusdem ville usque ad numerum ccclij personarum ; videlicet, quod predictus Willelmus et quilibet predictorum manuceperunt pro se et suis ad gerendum

[1] Ancient Petitions, no. 11235.

[2] Ancient Petitions, no. 11242.

pacem cuilibet subsidito et populo domini regis, quilibet eorum sub pena c marcarum levandarum de bonis et catallis ejus: et de Ada de Coppandale et de aliis post ipsum nominatis cepimus securitatem de pace gerenda in forma supradicta; videlicet, quilibet eorum manucepit pro se et suis sub pena c librarum levandarum de terris bonis et catallis suis ad opus domini regis.

Willelmus Raynald
Johannes Webster
Petrus Whyte
Willelmus Taillor
Petrus Lenge
Johannes Whyte
Adam Leche
Johannes Raynar

[*and about* 400[1] *other names, the majority of which are grouped under local divisions*].

[1] The last membrane, containing about 50 names, appears to be a subsequent addition; this would reconcile the actual number of names with the number given in the preamble.

THE INCLOSURE OF COMMON FIELDS IN THE SEVENTEENTH CENTURY[1]

By Miss E. M. LEONARD, F.R.Hist.S.

Read January 19, 1905

In the present day we are often reminded that the farm-house surrounded by hedged fields has not always formed a prominent feature of our English landscape.

At the close of the sixteenth century many fields now inclosed were still forest, fen, or rough waste land. Some formed portions of the so-called pastures where the village herds grazed in common, tended by the village herdsman, and others, again, were included in the great cornfields and meadows, known as the 'common fields,' which were often hundreds, and even thousands, of acres in extent.

Inclosure of one sort or another has transformed these forests, fens, pastures, and common arable fields into our modern fields, with their hedges of bramble and hawthorn. But the change was in progress during more than four centuries,[2] and even at the present day it is scarcely completed.[3]

[1] I should like gratefully to acknowledge the kindness of Mr. Hubert Hall, who has given me much assistance during the preparation of this paper.

[2] 'Depopulatores agrorum' are mentioned in a statute, 4 Hen. IV., c. 2. An early complaint of illegal inclosure occurs in 1414 where the inhabitants of Darleton and Ragenell in Notts petition against Richard Stanhope, who had inclosed the lands there by force of arms (*Rolls of Parl.*, iv., 29*b*, no. 7).

[3] Inclosure of common fields still occasionally takes place. In 1901 the inclosures of common fields in Sutton, Northamptonshire, and Skipwith, Yorkshire, were approved, and in 1902 some acres of Chipping Sodbury, Gloucestershire (*Reports of Inclosure Commissioners*, 1902, 1903). The fields at Ewelme in Oxfordshire have never been legally inclosed, but for many years the proprietors have agreed to keep to their own fields, and most rights of common have been abandoned.

The seventeenth century has usually been considered a period of repose between two centuries of great inclosing activity.[1] There are, however, grounds for believing that the inclosing movement was continuous, and that the seventeenth century produced its full share of the change.

But inclosures transformed more than the physical aspect of the country. The lords of the manor under the later Tudors retained much of their mediæval power and importance, although their hold upon the land was somewhat

[1] W. J. Ashley, *Economic History*, 1898, ii. 286: 'Speaking generally, we may say that the common fields had been undisturbed for a century and a half, when, about the time of the accession of George III., the fresh wave of agricultural innovation set in.'

Social England, illus. ed., 1902, iii. 478: 'With the close of the wars of the Roses and the dawn of the Tudor period an agricultural revolution began which continued in progress till the middle of the reign of Elizabeth, and after more than two centuries of quiescence recommenced in the eighteenth century.'

Edward P. Cheyney, *Industrial and Social History of England*, 1901, p. 217: 'In the early years of the eighteenth century there had been signs of a revival of the old process of inclosures which had been suspended for more than a hundred years.'

W. Cunningham, *Growth of English Industry and Commerce*, Modern Times, p. 102: 'Though there was a revived outcry about inclosures in 1607, the Council appear to have thought there was no real grievance from this cause; occasional instances can be detected later, but the movement was no longer regarded as a serious danger to the realm.' In speaking of inclosure for the improvement of husbandry he writes: 'It does not seem, however, that the movement advanced very rapidly' (p. 555).

Thomas E. Scrutton (*Commons and Common Fields*) quotes Joseph Lee, and gives instances of seventeenth-century inclosure by agreement and Chancery decree, but lays little stress on the seventeenth-century inclosure of common fields. He speaks of 1760 as 'before the tide of inclosure had begun to set in' (p. 113).

I. S. Leadam (*Trans. of Royal Hist. Soc.* 1892, v. 192) refers to 'the concluding years of the agricultural revolution which extended from 1450 to 1550.' Also p. 169.

To Professor Gay's researches on the inclosing movement I am greatly indebted. He is well aware that complaints of the change continued throughout the century, and I have made use of many of the authorities cited by him; but the position he assigns to Midland inclosure leads him, I believe, to underestimate the extent of the movement. He thinks that 'the characteristic inclosures of the fifteenth to the seventeenth century were largely confined to the Midlands'; that Northamptonshire was 'the incloser's county *par excellence*,' and that even 'where the set of the current towards agrarian innovation was at its strongest it had only succeeded in cutting numerous, but narrow and scattered, channels through the sand-bars of custom and prejudice' ('Inclosures in England,' *Quarterly Journal of Economics*, 1903, pp. 592, 594, 595).

relaxed. Most of their villeins had become copyholders, with the title to their property firmly protected by the Courts. Much of the old demesne had been sold to small freeholders or parcelled out to tenants, so that the greater part of the land was owned or occupied by a prosperous yeomanry who cultivated farms of from twenty to a hundred and fifty acres in extent. These tilled the ground with the aid of farm-servants, who were members of the farmer's household, and of married labourers, who owned or rented cottages with four or five acres of land attached.

Inclosure proceedings as conducted in England conduced to the destruction of this rural society. The labourers gradually ceased to own or occupy land; the farms increased in size; the possession of land became more exclusively the privilege of the rich; and an ever-increasing proportion of the people left the country for the towns.

Complaints called forth by this displacement of population were most numerous in the Midland Counties. Here the process of inclosure was, in the year 1607, accompanied by armed disturbances, and the reasons for the prevailing distress were the subject of Government Commissions in the reigns of both James I. and of Charles I.

These frequent complaints from the Midland Counties have been supposed to indicate that the inclosure movement was proceeding more rapidly there than elsewhere. But some other explanation appears to be necessary in view of the fact that at the close of the seventeenth century these counties were the least and not the most highly inclosed counties of England. If the existing distress was greater in this part of the country than elsewhere, the cause could hardly be owing to a greater rate of inclosure. It seems probable, rather, that the Midland Counties were then the great corn-producing counties of the kingdom, and that consequently the change to pasture-farming and the consolidation of farms often accompanying inclosure displaced a larger population in this part of the country than elsewhere. Moreover, at this date fewer manufactures were carried on in the

Midland district than in other parts of the country, and consequently the population turned adrift by agricultural changes had a greater difficulty in finding other employment.

For this reason, inclosure in the Midlands excited greater opposition from the inhabitants, and the Government was obliged to make greater efforts there than elsewhere to check the popular discontent. These counties therefore preserved their narrow strips, divided by balks, in the great open fields long after hedges and ditches had grown up around the fields of most of the rest of England.

In order to understand the true nature and effects of this economic revolution it would seem desirable that we should know more, not only of the distribution of property in the open fields of the manor, but also of the procedure of inclosure in its several forms and aspects.

Dr. Seebohm's investigations of the fields of Hitchin have made us familiar with the main features of the uninclosed manor as it still exists there. The old agricultural organisation likewise survives at Laxton, in Nottinghamshire, and has left its traces in many other parts of the country. The Daventry fields of Daventry, in Northamptonshire, may be regarded as fairly typical of the common fields at the close of the sixteenth century. They are described in a Field Book of 1570–1 and a survey of twenty years later.[1] The town fields of Daventry[2] were three in number—the East and the West field, each containing about 375 acres; and the North field, half as much again.[3] Each field was divided into 'furlongs,' and each furlong was subdivided into 'lands,' nearly always half an acre in extent. In earlier times adjoining 'lands' were probably held by different individuals, but at the date of this

[1] Duchy of Lancaster, *Misc. Bks.* 113, 117, f. 100.

[2] In the survey it is stated that Daventry 'standeth somethinge drie in a champion countrie and contayneth within the same the towne and burroughe of Daventree, being a markett towne and a thoroughfaire moost usuall from London to the north partes. The soile wherof is apte for corne and graine, and thereof yealdeth plentie. And hath reasonable good comons and pastures for sheepe, but verie barren for rother cattell.'

[3] West field, 368½ acres; East field, 383a. 3r.; North field, 524a. 2½r. = 1,276 acres 3½ roods all together.

Field Book several 'lands' were often held by the same owner, though the ownership was still much dispersed. Thus one furlong, 37a. 1r. in extent, contained ninety-six lands and three balks, owned in seventeen different portions.[1] The land of the lord of the manor was intermixed with that of the tenants and with that of the other freeholders.

Besides the arable fields, there were several meadows divided into yet smaller portions, often amounting only to a quarter of an acre.[2] The largest meadow was the East Mead, which contained 50 acres and changed ownership fifty-three times.[3] These great fields and meadows are usually known as common fields.

Then there were also in Daventry common pastures, amounting all together to about three hundred acres. One was the famous British camp on Burrough Hill, which is described as 'intrenched with greate dyches and uppcartes.'[4]

[1] This was the furlong 'joyninge east of London way,' and was one of the largest. Another large furlong was 'Monkstyppet' furlong, 27¾ acres in extent, while 'the furlong ioyninge to Starton wey' contained only 3 acres and a half, and was divided as follows:

Ferme	1 land	½ ac.	not freehold
Roberte Andrewes	,, ,,	,, ,,	freehold
Christchurch	3 lands	1½ ,,	,,
Maydwell	1 land	½ ,,	,,
Farme	2 lands	½ ,,	not freehold

Here the last two lands appear to be only ¼ acre.

[2] The terms 'butts' and 'swaths' are used for some of the divisions of the meadow, but the normal division is still the 'land,' which appears usually to be only ¼ acre of meadow-land, though it is sometimes ½ acre, as in the arable fields.

[3] The 50 acres included 3a. 3½r., called Foredole, and assigned as follows:

Ferme	viii peces	2 acres
Christchurch	1½ ,,	1½r.
Murden	1½ ,,	1½r.
Christchurch	1½ ,,	1½r.
Murden	1½ ,,	1½r.
John Symes	1½ ,,	1½r.
		3a. 3½r.

[4] Burrough Hill contained 121a. 2r. 25p., and two little pastures under the hill were 23 acres more. On these pastures the freeholders and the Queen's tenants had the right to the wood; other pastures, measuring 152 acres 7 poles, were let by 'justments' to the tenants.

There was, moreover, a park and a small wood called the West Wood.

There were forty-one freeholders in the manor of Daventry, and twenty-two tenants of the Duchy of Lancaster.[1] Twenty out of the twenty-two tenants, but only thirteen of the forty-one freeholders, held lands in the common fields as well as gardens and orchards in the town. The land was thus much subdivided, the average freehold being only $34\frac{1}{4}$ acres, while the average occupation would be probably less than half.

At a customary date the common fields were thrown open to all the commoners, and for each yardland of twenty-eight acres the tenants might pasture fifty sheep and as many cattle as they pleased.

Such was the constitution of a Northampton township in 1570, and this subdivision both of property and of occupation was the usual feature of the uninclosed township of the period, and forms a strong contrast to the large estates and farms of our own times.

Economic advantages of inclosure

The advantages of inclosure to such a township are obvious. Dispersed ownership made it extremely difficult to cultivate the land. How dispersed this sometimes was may be seen in almost any Field Book of the time. Thus at Exall early in the seventeenth century a William Woulf owned 18a. 2r. 1p. of arable land, which was divided into thirty-six pieces, twelve in a field called Churchfield, nine in Millfield, twelve in Synallfield, and three in Long Down.[2] It is interesting to find that the same inconvenient division of property existed until very recent times in uninclosed manors. Thus, South Luffenham, in Rutland, which was inclosed as late as 1879, then consisted of 1,074 acres in the common field, divided among twenty-two owners, into 1,238 portions.[3]

Another disadvantage which was removed by inclosure was the right of common which was exercised over these

[1] Christ Church College, Oxford, held the greatest quantity of freehold land, and must have had many sub-tenants.

[2] *Exall Field Book*, in my own possession, *c.* 1619.

[3] Report of 1879 Proceedings under the Commons Act of 1876.

fields at certain times of the year. It varied in different places according to the course of husbandry, but it was in all cases an obvious hindrance to profitable agriculture.

In Northampton and in all the Midland Counties the husbandry resembled that practised in Oxfordshire.[1] The clay land when it was divided into three fields lay fallow every third year, and was sown in the other two: in the first with wheat or with a mixture of wheat and rye called 'miscellyn'; in the second with barley and beans sown together.'[1] This was probably the custom at Daventry: one field would be in each stage of the rotation, and on all three fields after harvest the commoners would turn in their sheep and cattle. By a farmer of modern days this arrangement would naturally be regarded as unprofitable, for as the farmer was obliged to throw open his field to pasture on the day appointed, no turnips, clover, etc. could be sown in order to avoid the fallow year, and special treatment of particular soils was practically impossible.

Methods of inclosure

In the seventeenth century several methods were adopted for inclosing the common fields. Sometimes the lord of the manor would inclose his own land, leaving that of the tenants still in common. Thus in 1630 the Countess of Westmorland in two of her manors inclosed some of her demesne land by exchanging some of her scattered strips in order that the land might lie together, leaving the land of the tenants still uninclosed.[2]

Demesne lands

[1] T. Morton, *Nat. Hist. of Northampton*, 1712, p. 476; and Plot, *Nat. Hist. of Oxon.*, 1676, pp. 240-244. Clay lands, however, often lay in four fields, and were sown with (1) wheat, (2) beans, and (3) barley, lying fallow every fourth year; occasionally there were only two fields, the land being then sown on alternate years twice with wheat and once with barley. Other soils had other courses: on the white clay and chalk ground peas were sown instead of beans, while the sandy soil was only sown every other year with (1) wheat or miscellyn, (2) barley.

[2] *S.P. Dom., Chas. I.* vol. clxxvi., no. 11; D. K., 43rd Report, *Cal. of Privy Seals*, 1632, no. 505; 160 acres at Woddenho, in Northampton, and 160 acres at Woodstone, in Hants. In order to facilitate her inclosures she gave the commoners advantages, and also promised to keep as much land in tillage as before. These particular acres, however, were to be used for pasture. The King's licence was necessary for the exchange; and though he finally granted

Piecemeal inclosure

At other times the tenants inclosed piece by piece. Inclosures of this kind in Chelsea caused the Privy Council to inquire into the matter, and in answer the justices reported the inclosure of many pieces in both the east and west fields in order that the owners might build houses in the growing villages of Chelsea and of Kensington.[1]

Piecemeal inclosure, if it may be so called, often occurs in the seventeenth century, and in the case of some of the manors of Herefordshire is in the reign of James I.[2] confirmed by Act of Parliament. This is the earliest Act of Parliament for inclosing common fields, and the only one before the reign of William and Mary.[3] Inclosure Acts of other kinds occur in the reign of Charles II., though they do not become frequent until the time of George II.[4]

By Private Acts

By Chancery decree

Another noticeable form of inclosure was made by agreement[5] between the lord and the tenants, which was often

permission he delayed doing so for a time, and the Countess was very indignant that she might not do as she would with her own. In 1594 complaints were made that townships were decayed because the landlords have taken the demesnes into their own hand. *Cal. State Papers Add.* 1580-1625; 1594, Jan. 15, p. 358.

[1] In the West field about 'fourteene acres of the common fields lyinge on y^e^ south or backside of those houses att New Chelsey that are in Chelsey parish are inclosed. And about five acres on part whereof Mr. Nichs. Harman's house hath beene erected and garden enclosed.' The justices leave to the consideration of the Council whether these were offences 'agaynst the statute made a^o^ 35^o^ Eliz. forbidding Inclosures w^th^in three miles of the Citty of London or otherwise as ill examples inducinge oppression to the wrong of his Majesty's subjects and discouraging their life and industry or any other way pernicious or inconvenient.'

[2] 'An Act for the better provision of meadow and pasture for necessary maintenance of husbandry and tillage in the manors, lordships, and parishes of Marden *alias* Mawarden, Bodenham, Wellington, Sutton St. Michael, Murton, and the parish of Pipe and everie of them in the Countye of Hereford.' The Act enables the commoners to inclose a third of their lands.

[3] 4 Wm. & Mary, no. 31; 7 & 8 Will., c. 3.

[4] 15 Car. II., c. 17; 16 Car. II., c. 5: Inclosure of Fens. 16 Car. II.: Inclosure of Malvern Chase. 19 & 20 Car. II., c. 8: Inclosure of Waste. There are other Inclosure Acts in the reign of Anne—12 Anne, Stat. II., c. 17; 2 & 3 Anne, c. 20—although some of the authorities assert there are none (Scrutton, *Commons and Common Fields*, p. 133, following Williams on *Commons*, p. 249).

[5] This method of inclosure by agreement is that advocated by Fitzherbert in his *Book of Surveying*, and examples as early as 1338 are quoted by Scrutton, p. 58. An inclosure of this kind was made at Padiham in 1529 (Whitaker, *Whalley*, II. p. 53). The speech of the doctor in *The Commonweal o this Realm*

authorised by the Courts of Chancery and Exchequer at Westminster, and in Durham by the Court of the Bishopric.

An inclosure of this kind took place at Brandsburton in the East Riding of Yorkshire. Here, in January, $16\frac{29}{30}$, an extremely primitive method of cultivation was reported by the jury of a Court of Survey. The land lay in two great fields, and as at Daventry and Exall 'every man's land lay intermixt in severall places,' these fields being sown alternately one each year, so that more than half the time they lay fallow. It is not surprising that the jurors thought 'a division would be convenient and pleasing to all those who were desirous to live as "paynefull men in their callings."'

In order that the division might be made, therefore, the jury present how much land and how many cattle 'gates' every man possessed. They also arrange with 'certaine Dutchmen' for the draining of their swamped pasture. The agreement to inclose was signed in January 1630, and a confirmation of the inclosure award was obtained in the Court of Chancery (in 1634), by means of a collusive action. In this instance the action was brought by Lord Goring and others, representing the proprietors and tenants of the common fields, against the lords of the manor, who were the aldermen of the City of London. The complainants set forth the terms of the agreement and award, and state that 'all is duly performed, but that now the lords of the manor refuse to consent.' The defendants admit the term of the agreement and award, but deny the refusal to consent; the Court thereupon decreed the inclosure.[1] The use of the decree seems to have been that the Court was supposed to be competent to enable trustees and guardians to consent in order to bind their successors and wards, and even to bind dissentients.[2] This power, however, seems to have been

of England (ed. Lamon, p. 124) seems to show, however, that in 1549 this plan of inclosure was coming into fashion but was not at all general.

[1] *Chancery Enrolled Decrees*, Roll 605, no. 3.

[2] For instance, in the inclosure of the waste at Claxton, county York, a man named Wilkinson objected, but the inclosure was decreed (*Chancery Enrolled Decrees*, Roll 598, no. 2).

questioned in the reign of Charles II., and in 1666 a Bill was brought in to legalise all inclosures made within the last sixty years,[1] by the Courts of Chancery and Exchequer. It did not become law, however, and from that time forwards inclosures by Chancery decree became less frequent, though they did not cease to be made.

By commission from the Exchequer

Agreements to inclose were, of course, not necessarily confirmed by the Court of Chancery; some were made by virtue of a commission from the Court of Exchequer,[2] and others were agreed upon by the owners without any authority from the courts of law. Some were accomplished by a still simpler process; the lord consolidated all the common fields into his own hands and inclosed without an agreement of any kind.

The other agreements and consolidation

The Inclosure Decrees and Awards of the Courts of Westminster are not indexed, but after months of searching I feel justified in asserting that these decrees were more numerous than has been usually supposed, and that they refer to many different parts of the country: to Yorkshire and Warwick, as well as to Leicester and Northampton; to Hampshire and Oxford, as well as to Lincoln and Huntingdon.[3]

[1] The enclosure should also have been held for twenty years. *Journals of the House of Lords*, Oct. 30, 1666 (*Hist. Man. Com.* viii., p. 102. The case of the commoners of the town of Epworth shows the lengthened disputes such decrees often caused.

[2] *Exch. Spec. Com.*, 42 Eliz., Southants Survey and division of the common fields in her Majesty's manors of Frodington and Portsey. The commission conferred 'plenam potestatem et auctoritatem . . . per presentes ad supervidendum, perlustrandum, mensurandum, valuandum, dividendum separales partes includendum et apportiandum omnia terra, tenementa, prata, pascua, pasturas communes et hereditamenta infra manerium de Frodington' etc. The return sets out the award in full, and says the division was made with the consent of the lord of the manor and also of all the farmers and customary tenants. More generally special Commissions of the Exchequer relate to the inclosure of wastes.

[3] A Chancery decree relating to Stoke, Warwickshire, is printed at full length in Blyth's *History of Stoke*, p. 68. Among other Chancery decrees relating to Warwickshire common fields are Allesly, Co. Warwick, *Decree Roll* 555, No. 15, 1652, 600 acres of open cornfields; Bilton, Co. Warwick, *Chancery Decree Book*, B 1661, f. 263*b*, relating to agreement to inclose four years ago. There is also among the Exchequer records a case relating to the piecemeal inclosure of Warwickshire villages during the forty-five years before 1628 (Exch. Depositions, 4 Car. I., Mich. 6). Yorkshire inclosures, besides that of Brandsburton, occur at Walsgrave Agreement, 1665, *Decree Roll* 557, No. 2; arable

Durham inclosures

In the case of Durham, however, statistical results can be more easily obtained because the records are few and these are excellently indexed.[1] The books of the registrars of the County of Durham are very large volumes, and contain entries of the decrees of the Court of the Bishopric from 1633 onwards. From that time until 1700 twenty-eight agreements similar to that of Brandsburton are confirmed by the Court of the Bishopric, twenty of which relate chiefly to the division of common fields. In these, however, some pasture is included, the proportion being about that of the Blackwall division, where for every 'yardland' nineteen acres were to be allotted in the town fields and one on the moor. In addition to these at least one Durham inclosure was confirmed by the Court of Chancery at Westminster. One of these agreements belongs to about the year 1585, and was only confirmed later because of a dispute about tithes; the other twenty were made between 1634 and 1700, and probably affected about 25,000 acres of the common fields, or over four per cent. of the total area of the county within a period of sixty-seven years.[2]

There is no complete record of Durham awards before 1633, but as a great many cases of agreements to inclose occur from 1585 onwards there are strong reasons for assuming that inclosure proceeded to at least an equal extent in the earlier years of the century.[3] If this assumption be allowed, about six and a quarter per cent. of the total area of Durham was affected by inclosure through Chancery decrees.

land in four fields, Claxton Agreement, 1638, 598, no. 2; Rillington pasture land, Roll 598, no. 6; and Settrington, 1668, 692, no. 6; and the custom of piecemeal inclosure is confirmed at Threlkeld, *Decree Roll* 1205, no. 7, 1635.

[1] This was kindly shown me by Mr. Overend, of the Public Record Office.

[2] For tables see next page.

[3] *Durham Records, Orders in Chancery.* 'Hetton in the Hole,' March 27, 1617, *Watson* v. *Todd.* 'Blackwell,' 1620, *Dobson* v. *Parkinson.* 'Cornforth,' 1628, no. 17.

Great Lumley seems to have been inclosed 27 Eliz., and Morton, in the parish of Dalton, was inclosed at about the same time (*Registrar's Book*, K, f. 633).

Midleton-on-Row also was inclosed, *Durham Records, Orders in Chancery*, 1632, no. 122, and Thornely is said to have been lately inclosed (4 Jac. I. *Exch. Spec. Com.*, 3748).

This, however, was only a small part of the total inclosure of the time. Piecemeal inclosure proceeded in Durham as well

Place	Reference	Date of Award or Agreement	Confirmation	Area
1. Sherburn	Registrar's Bk. K, f. 262	Aw. Sept. 13, 10 Car. I.	Aug. 26, 11 Car. II.	1,257 a.
2. Shadforth	,, f. 273	,, Mar. 24, 10 Car. I.	,, 26, ,,	1,400 ,,
3. Sedgfield	,, f. 306	,, Oct. 28, 1635	July 25, 1636	2,758 ,,
4. W. Auckland	,, f. 632	,, Feb. 11, 1640	March 27, 1640	1,005 ,,
5. Middridge	,, f. 757	,, After Sept., 1637, & before Sept., 1638	{Sept. 7, 1638 / Aug. 1, 1642}	Not stated
6. Cletham	,, f. 300	,, March 24, 1635	April 8, 1636	956 a.
7. W. Herrington Middle ,, Hought'n parish	,, f. 631	,, April 16, 1638 ,, Dec. 4, 1638	March 27, 1640	Not stated
8. Stockton	,, L, f. 86	,, Nov. 5, 1659	Sept. 8, 1662	1,570 a.
9. Greatham	,, f. 118	Ag. Sept. 21, 1650	Sept. 15, 1663	2,344 ,,
10. Haughton	,, f. 318*b*	,, Nov. 7, 1665	April 9, 1666	C. 550
11. E. & W. Boldens	,, f. 389	,, 'In the late times of distraction,' Feb. 1651	March 23, 1678	Not stated
12. Hett	,, f. 416	,, Aug. 29, 20 Car. II.	Nov. 3, 1668	270 a.
13. Bishop Auckl'nd	,, M, f. 43 ,, f. 91 ,, L, f. 464	,, 1661–1670	Sept. 15, 1671 Aug. 22, 24 Car. II. ,, 26, 22 Car. II.	211 ,,
14. Easington	,, M, f. 91*b*	Five divisions, 1656 & 1661	Aug. 22, 1672	About 1900 much more pasture land than usual
15. Shotton	,, f. 184	March 21, 1673	Aug. 15, 1673	1,298 a.
16. Norton	,, f. 230*b*	Sept. 26, 1673	July 6, 1674	Not stated
17. Whickham	,, f. 370	Mar. 18, 25 Car. II.	July 3, 1677	1,750 a.
18. Rivehope	,, f. 551*b*	Ag. Sept. 29, 1658	June 28, 1680	817 ,,
19. Seaton Carew	,, f. 699	,, June 7, 1689	April 8, 1691	1,695 ,,
20. Long Newton	Chancery Order Book 1662, B, f. 252	,, 1659	1662	3,035 ,, Some pasture land

Stated	Area	Not stated	Average	Estd. area
16	22,816	4	1425½	5702

Allowing 3,518 to be common pasture, 25,000 acres of common field were inclosed; 28,518, or 4·4 of total area, between 1634 and 1700.

The eight decrees relating to the division of common pasture only were as follows:

Place	Reference	Date of Award or Agreement	Confirmation	Area
Ryton	Registrar's Bk. K, 497	Agreement about 1634	Sept. 17, 1638	Not stated
Bondgate	,, L, 308*b*	,, May 10, 1665	April 9, 1666	63 acres
Redworth	,, L, f. 351	,, about 1662	April 2, 1667	183
Grange Close, Darlington	,, ,, 408	,, ,, 1666	April 5, 1669	300
Newbottle	,, M, f. 64	,, March 24, 1670	Nov. 29, 1671	487
Tunstall	,, ,, 70	Some area, 1590 ,, ,, 1664	Jan. 9, 1672	About 400 some cornland
Spennymore	,, ,, 429	—	April 10, 1677	—
Aycliffe	,, ,, 726	,, ,, 1652	Aug. 27, 1686	306

as elsewhere,[1] while agreements for large inclosures were made which were apparently unconfirmed by the courts of law. This was the case at Chester-le-Street[2] and Bishop Auckland[3] as well as in many other places. It is impossible to estimate the amount of inclosure effected by these means. Having regard, however, to the evidence as to the prevalence of piecemeal inclosure in other parts of the country,[4] it is probable that as great an area was involved as in inclosure by Chancery decree, while the statistics of private Acts seem to indicate that the area thus affected was very much greater.

In Durham also it is probable that, as compared with the county of Northampton, common fields formed only a relatively small part of the total area of the county. At this time Northampton was one of the great corn-growing counties of the kingdom: it was very fruitful and much cultivated, but there was little woodland or uncultivated waste. Durham, on the contrary, possessed mines and cattle: it had been subject to border raids for centuries, and has contained down to the present day large tracts of mountain and heath land. Northampton, therefore, was probably settled at a relatively early period, and possessed, before the inclosing era began, many common fields. In Durham they were probably never as numerous.

The view that a large proportion of the common fields of Durham were inclosed during the seventeenth century is confirmed by the negative evidence afforded by the Private Acts of the eighteenth and nineteenth centuries.[5] In the

[1] Thus at Norton, in the manor of Stockton, four acres were to be inclosed out of every oxgang, *Durham Orders in Chancery*, 1631, no. 30; forty-four acres were to be separated for two oxgangs of land in Dunsdale, July 31, 14 Jam. I.

[2] *Reg. Book, Durham*, K, f. 469.

[3] At Bishop Auckland the divisions of 1661, 1663, 1670 were confirmed, but others in 1634 and 1640 are mentioned. *Reg. Book, Durham*, L, 464.

[4] See below and 'The Midland Revolt and the Inquisitions of Depopulation,' Edwin F. Gay (*Trans. Royal Hist. Soc.*).

[5] There were four Inclosure Acts in the reign of Geo. II., all involving the inclosure of waste only; twenty-two others in the eighteenth century in addition

eighteenth century only 2,137 acres of common fields were allotted by Private Acts, or about one-twelfth of the amount inclosed in the seventeenth century by Chancery decree. The inclosure of common fields in the county of Durham, therefore, would seem to proceed much more slowly in the eighteenth and nineteenth centuries than in the previous century.

Effect of inclosures on the poorer classes

The growth of hedges round our fields seems to have exercised an important influence on the lives of the rural inhabitants: this influence was felt much more strongly in some parts of the country than in others.

The poorer classes, in common with the rest of the community, were generally much benefited by the greater productiveness of the land, due to private ownership. One acre inclosed was said by Norden to be worth one and a half of common field,[1] and his evidence is confirmed by other writers, who, indeed, often allege an even greater advantage to the land in severalty. So great were the profits of inclosure that sometimes (as in the case of Cottesbatch and Aston Subedge[2]) men bought estates with the object of reaping for themselves the profit of the process.

It cannot, on the other hand, be said that the poorer classes were wronged by the legal methods usually employed in common-field inclosures, for these compare very favourably with those of the Private Acts. In an unsuccessful suit to compel the inclosure of Aston Subedge,[2] the processes preliminary to inclosure are described: these included a meeting at which two commissioners were chosen by the commoners to act for them, while the remaining two were appointed

to an Amending Act, and fifteen during the nineteenth century: only seven of these relate to the inclosure of common arable fields, while three others extinguish rights of common over them.

[1] Norden, *Surveyor*, p. 97, ed. of 1607. Fortrey says that land in common field was only worth a third of land inclosed (England, *Interest and Improvement*, 1663, p. 228).

[2] At Cottesbatch an estate worth 24*l.* a year was bought for 750*l.* by a man named Quarles, who carried out the inclosure about 1602, but failed to reap as much profit as he had expected. After a while the inhabitants rioted and pulled down his fences, and the incloser was unable to pay his debts. *Exch. Depositions Leic.*, 9 James I., Mich., No. 25; *Chancery Enrolled Decrees*, 273, No. 7.

respectively by the parson and by the bailiff on behalf of the lord of the manor. So far as the appointment of commissioners would secure the full consideration of the claims of the commoners, the seventeenth-century methods were more to their advantage than those of later times. The fact that the consent of all, or nearly all, of the commoners was necessary for a division also helped to make that division favourable to the smaller commoners. One method adopted was that recommended by Fitzherbert. Tenants who held for short terms were given greater security by the grant of long leases. This was of immediate advantage to the tenant, and of ultimate benefit to the landlord. At Broughton Astley the tenants formerly held at will, but by the inclosure agreement were to have leases of half their holdings for three lives. At Loddington a lease for twenty-one years was granted, or in lieu of a lease a pension, if the tenants consented to leave the town.[1] At other times special terms were made with the smaller tenants with regard to the position of their land. At Bishop Auckland it was provided that they should not bear the expense of the inclosure proceedings; at Middridge and Houghton, that the cottagers should be exempt from all common and public taxes.[2]

On the other hand, Moore and Halhead complain that the rich men worried the poorer with lawsuits.[3] A copyholder of Ampney Crucis alleges unfair pressure, stating that he only consented to a partial inclosure, but that the division of the whole having been made, he accepted ground in lieu of his eight acres, because 'he needs must,' and because the defendant was his landlord and he was fearful to contend with him.[4]

[1] *S.P. Dom. Chas. I.*, cxcii. 24; clxxxvii. 83.

[2] *Reg. Books, Durham*, M, f. 43, L, 318*b*. At Middridge the richer sort were to fence the allotments of the poor, and they were also to have a large piece of ground for their swine and geese. *Reg. Bk.*, K, 508*d*; Greatham, *Reg. Bk.* L, f. 118.

[3] Halhead, *Inclosure Thrown Open*, 1650, p. 8; Moore, *The Crying Sin of England*, p. 13.

[4] *Exch. Depositions*, 16 Car. I., Easter, no. 17. Ampney Crucis had been inclosed eleven or twelve years before.

But the chief evils attributed to inclosures resulted, not from the direct ill-treatment of the freeholders and commoners, but from the indirect results which followed in the special economic conditions of the time and country.

It is well known that the inclosing movement was closely connected with two great agricultural changes which were in progress during the sixteenth and seventeenth centuries, namely, the substitution of pasture for arable land and the consolidation of farms both for pasture and for arable farming.

Neither of these changes could take place with much advantage on the undivided common fields. These were for the most part under the plough, and an agreement of all, or nearly all, the commoners was necessary to alter the system of cultivation. Consequently, while the fields lay in common, arable farms prevailed. At the same time the separation of the holdings into small strips prevented a large farm from being relatively much more profitable than a small one, and thus the lands in the open fields remained in the hands of small farmers. Inclosure, therefore, was often undertaken in order to facilitate the increase of pasture and farming on a large scale.

The increase of pasture in the sixteenth century was rendered profitable by the rapid increase in the price of wool, but in the seventeenth century this cause ceased to operate. The change to pasture, however, continued, partly owing to a great rise in the price of cattle and partly because the increase of wages made it less profitable to employ the greater number of men necessary for tilling the fields.[1]

The decreased demand for labour rendered inclosure for the sake of pasture-farming a source of hardship to the poor,

[1] *Hist. of Agric. and Prices*, iv. 328, v. 408). Wheat rises from 5*s.* 11¾*d.*, 1401–1540, to 13*s.* 10½*d.*, 1540–1582.

There are several years of exceptional scarcity in the price of wheat during the seventeenth century; the decennial averages rise for the first three decades, are highest during the Civil War, and fall slightly towards the close of the century. Oxen rise suddenly in price after 1592, and show a rise of over fifty per cent. between the last decade of the sixteenth century and the last decade of the seventeenth. The weekly wages of labourer or artisan appear to double

for as fewer labourers were needed it was to the interest of the landlord to evict the smaller farmers from their holdings and to banish the labourers from the villages.

Another reason why the inclosure of common fields was often accompanied by a change to pasture is that the lands which were first settled and lay for the most part in these open fields seem to be much more suitable than others for pasture. It was possibly because they were the fertile lands of the plains and valleys that they were cultivated at an early date.

These lands had also been ploughed for a long time and needed rest, and were less suitable for corn than the newly inclosed virgin soil of waste and forest. At any rate the preambles of the Durham decrees often give as a reason for inclosure that the land 'is wasted and worn with continual ploweing, and thereby made bare, barren, and very unfruitefull,' and the evidence that inclosure was, as a rule, followed by conversion of part of the land to pasture is by no means confined to the preambles.[1] The rectors obtain commutation of tithes or special advantages because they fear a 'decay of tithes';[2] and when the inclosures are over, actions are frequently brought because the Church has suffered by the change.[3]

In Leicestershire the inclosures of Cottesbach in 1602,[4] of Enderby[5] about 1605, of Thornby about 1616, were all accompanied by a lessening of the land under the plough.[6]

in the same period; but in both cases the greatest rise occurs in the closing decade of the century.

Lord Coke's notes on the Lord Keeper's speech, ascribed to 1633, mention 'the general complaint' of a sore want of servants at reasonable wages, which 'makes men grow wearie of tillage.' *S.P. Dom. Chas. I.*, cclv. 44.

[1] Sherburn, *Durham Reg.*, *Bk.* K, f. 262. Shadforth and Cletham do., f. 273, f. 300 etc.

[2] Sedgfield do., f. 306. Middle Herrington, f. 631. Seaton Carew, M, f. 699.

[3] Chester do., K, f. 469. Morton, f. 633. Middridge, f. 508*b*. Shotton, M, f. 594. Durham Chancery Orders, 1632, no. 122.

[4] See below. [5] *Exch. Dep.*, 10 Car. I., Trin., no. 12.

[6] *Exch. Depositions, Leicester* (16 Jas. I., Hil. no. 18). Wm. Reade bought the land about three years ago, and it is now hedged and ditched, while half the arable is turned to pasture.

Moore, writing in 1656, says: 'Surely they may make men as soon believe there is no sun in the firmament as that usually depopulation and decay of tillage will not follow inclosure in our inland countyes.'[1]

Mr. Rider Haggard, noting the enormous area of pasture land in Northampton, states that in passing through miles and miles nearly everywhere the high, well-marked 'lands' proved that they had at some time or other been under the plough.[2] He notes especially that this was true of Preston Capes. Now in 1659, when an agreement was made to inclose the manor, the land still lay in great common cornfields:[3] its inclosure seems due, not to the Black Death, or to the rise in the price of wool, as he suggests, but rather to the growing demand for meat and to the natural suitability of the soil for pasture farming.

Consolidation of farms

Further evidence of the continued tendency to use the land inclosed from common fields as pasture land is shown in the returns to the Government inquiries, which we shall examine later.

An even more far-reaching result of inclosure which accompanied the change was the tendency to consolidate farms and landed property into the ownership of a few.

Sometimes the consolidation was directly the result of the proceedings preliminary to inclosure. The fewer the owners and tenants, the fewer the people who had to agree to the change—a determined opponent often in the end consenting to be bought out. Moreover, although the expenses of inclosure were great, the undertaking was, as we have seen, often extremely profitable, and the landowner would wish to own more of the land that he might obtain a greater share of the profits.

Thus, at Croxton, Norfolk, a Roger Salisbury and Thos. Utbert 'having purchased the most parte of all the lande

[1] *A Scripture Word against Inclosure*, p. 9. Trigge is equally emphatic in 1604: *The Humble Petition of Two Sisters*. 'But inclosure decayeth tillage and turneth good arable land to pasture.'

[2] *Rural England*, ii. 122.

[3] *Enrolled Decrees Chancery*, 1928, no. 12. Confirmed 25 Car. II.

w^th^in the said townships daily do ingrose into their own hands all they can get.' [1]

General statements of the result of inclosure in lessening the number of landholders are frequent. 'We may see many of their houses built alone like Raven's nests, no birds building neere them,' [2] writes Trigge in 1604. A satirist of 1632 says of the incloser: 'The poor of the parish are his chief pioneers who like mould warps cast up earth.' [3] Bentham, in 1635, states the 'incloser doth presently dispossesse the ancient inhabitants or els by little and little wearie and weare them out or waite untill they are taken away by death.' [4] Moore writes in the same strain:

> 'Truely it would make a charitable heart bleed to come now into our markets where we are now so busie upon such inclosures in Leicestershire where the markett is full of inquirie and complaint of such tennants to all they meet: "Can you help me to a farm or a little land to imploy my team?"' [5]

Perhaps an even stronger argument that inclosure accelerated both the consolidation of farms and loss of land by labourers may be seen in the efforts of philanthropic landlords to guard against this tendency. Thus at Laughton, in Leicestershire, in or about 1663, the lord provides in the agreement for inclosure that all houses of husbandry should be maintained, each house with at least twenty acres of land, and each cottage with at least four acres, which were always to be used and occupied with the houses.[6] No one would have taken the trouble to make such a provision in 1663 unless the danger of consolidation had been real.

But consolidation did not always take place when the

[1] *D. of L. Bills and Answers*, Chancery Bundle 217, Lent, 1603. At Battleden and Potsgrove, in Bedfordshire also, inclosure was alleged to be accompanied by consolidation of property and of holdings (*Enrolled Decrees Chancery*, Roll 494, no. 2, 1621).

[2] Trigge, *The Humble Petition of Two Sisters* (D. 3).

[3] D. Lupton, 'London and the Country Carbonadoed' (*Harleian Misc.* ix. 326).

[4] Joseph Bentham, *Christian Conflict*, p. 326.

[5] *The Crying Sin of England*, 1603, p. 9.

[6] *Enrolled Decrees Chancery*, Roll 669, no. 18; Easter, 1664.

inclosure was made. The terms granted to tenants for three lives prevented a sudden change until the three lives had expired; but the fact that consolidation took place, and some of the reasons for the fact, is well attested by Lord North, writing about the time of the Revolution:

'It is another very great destruction of people as well as an impediment to the recruit of them that gentlemen of late years have taken up an humour of destroying their tenements and cottages whereby they make it impossible that mankind should inhabit upon their estates. This is done sometimes barefaced because they harbour poor that are a charge to the parish, and sometimes because the charge of repairing is great, and if an house be ruinous they will not be at the cost of rebuilding and repairing it, and cast their lands into very great farms which are managed with less housing: and oftimes for improvement as it is called which is done by buying in all freeholds, copyholds, and tenement that have common, and which harboured very many husbandry and labouring families, and then enclosing the commons and fields turning the managery from tillage to grazing.'

This writer further refers to 'vast depopulations not ordinarily thought of or imagined possible to be,' and states the fact, which is still true, that 'when old deeds have been preserved (useful only for the curiosity of ancient things) one shall find vast numbers of small parchment deeds being feoffments and releases to houses, cottages, tenements, and scattered small pieces of land in the fields of the town where now perhaps lives only one shepherd or farmer under some single proprietor.'[1]

Another question which has to be answered is whether this marked change as regards the ownership and occupation of land was due to a general economic change or to the inclosure movement; it was *post hoc*, but was it also *propter hoc*? The comparative rarity of the yeomen farmers and of small occupiers in inclosed parishes at the beginning of the nineteenth century seems to point to inclosure as one of the chief causes of the change. In Northamptonshire farms in

[1] *A Discourse of the Poor*, by the late Roger North; published 1753 but written much earlier, pp. 57, 65.

the open fields still ranged from £50 to £150 a year; in newly inclosed parishes they were worth from £100 to £300 a year, while in the old inclosed parishes they were larger still, and even reached a rent of £500 a year. In South Wiltshire the contrast is still more strongly marked; the farms in the common fields varied from £18 to £25 a year, and those in severalty from £100 to £300 a year. In Huntingdon the reporter tells us that property in the old inclosed part was in the hands of large proprietors, while in the common fields it was more generally diffused.[1]

This marked difference in the size of farms in inclosed and uninclosed districts could hardly have existed unless inclosure had promoted consolidation. The fact that the difference existed between newly inclosed parishes and old inclosed parishes also shows that not only the actual process and methods whereby the change was effected were injurious to the small farmer, but also that inclosure set in motion tendencies which increased in force as time went on, until the old rural society of yeomanry was overthrown, and one 'domineering house' had swallowed up all the rest.[2] The ultimate disappearance of the small farmer and labourer with land was obviously not a necessary consequence of inclosure. The lands in France, Germany, and Jersey are inclosed, but in those countries no such consolidation has followed. That this has been the result of inclosure in England is largely due to the following reasons:

1. During the seventeenth century no division could be made without the consent of all, or nearly all, the owners. It was therefore usual to buy out the smaller owners whenever possible.

2. Some stewards and landlords made a practice of

[1] Marshall, 'Review of Reports of Board of Agriculture,' *Midlands*, pp. 348–9; do. Southern and Peninsular, p. 206; also in Beds. 'Prevalence of enclosing has diminished the number of farms in last fifty years, and in Rutland the farms were greater in the inclosed parishes' (*Midlands*, p. 250).

[2] Burton, *Anatomy of Melancholy* (Democritus, p. 113, ed. 1893, to the Reader). The writer approves of inclosures, but 'not one domineering house greedily to swallow up all which is too common with us.'

getting rid of the poor on their estates in order to save the trouble of management and the expense of poor rates.

3. Landlords much preferred to hold land which is in the hands of a few, and where the rights are extensive, rather than the land which has many occupiers and is subject to rights of common.

4. The most obvious reason of all is, of course, that the English land laws with the custom of primogeniture and the difficulty of transferring land, tend to make consolidation perpetual when once it has been accomplished.

Decrease of hospitality

Thus the poor suffered, not only from the decrease of pasture land and the tendency to consolidate holdings, but also from a decrease in hospitality owing to the disappearance of the yeomen. The yeomen were so much renowned for their generosity in this respect that Fuller writes: 'When hospitality dyed in England she gave her last groan amongst the yeomen of Kent.'[1] Bentham and Halhead also relate a great difference in this respect between the old order and the new.

Increase in the price of the bread

It was also urged, especially in times of dearth, that the constantly increasing pasture of the inclosed lands caused a scarcity of corn and raised its price. Richard Sandes, writing in 1632, says he has presented several petitions to Parliament against inclosures, and expresses the opinion that all the methods taken by the Government to allay discontent will be unavailing unless they prevent the diminution of tillage lands, and thus cause more corn to be raised.[2]

The change to pasture was relatively so great in the Midlands that the price of bread may have been considerably affected, but in the country at large the general rise in price which is noticeable throughout the century could only have tended to remove the complaint by making arable farming more profitable. Owing to the unfavourable effects on the poor

[1] *Holy State*, 1642, p. 117: 'An ancient credible man' informed Bentham that formerly there were six or seven and thirty farmers in the neighbouring town now inclosed, 'twenty of which farmers he was persuaded did constantly keep as good houses and hospitality as he who after ruined himselfe and the towne' (*Christian Conflict*, p. 319).

[2] *S.P. Dom. Chas. I.*, ccvi., no. 70.

which resulted from inclosure, it was contended, even in the early years of the Poor Law, that inclosure increased the rates. Moreover, the seventeenth-century complainants who lived in the agricultural and more thinly populated districts traced the effect of inclosures too clearly to imagine that the increase of rates would of necessity be in the inclosed parishes. Halhead and Moore [1] alike show that the increase was more often in the neighbouring towns where the people swarmed when deprived of their holdings and employments. The same estimate of cause and effect is confirmed by the official report of the justices of Nottingham [2] and also by the rule of the Book of Orders [3] providing that extra rates should be imposed where depopulations had taken place.

Efforts of the Government to check depopulation

We have already seen that the effects of inclosure on the poor tended to reduce the population of the country districts. This effect of inclosure as well as the opposition of the poorer commoners caused the Government to institute proceedings with the object of checking any further advance in this direction.

Statutes

It is well known that a series of statutes from 1489 onwards imposed penalties both on the conversion of arable land to pasture and on the severing of land from ancient farms.[4]

[1] *Inclosure Thrown Open*, p. 5. *The Crying Sin of England*, p. 11. 'And hence (from enclosure) it comes to pass that the open fielden towns have above double the number of cottiers they had wont to have, so that they cannot live one by another, and so put the fielden towns to vast expences in caring for those poor that these enclosures have made.'

[2] *S.P. Dom. Chas. I.*, clxxxv. 86 (see Appendix).

[3] Book of Orders and Directions, Jan. 163$\frac{0}{1}$. Eden, I., p. 158.

[4] The following are the principal Acts relating to the inclosure of common fields, though there are others relating to the inclosure of waste:

4 Hen. VII., c. 16, relates to the Isle of Wight, and recites the same complaint of decay of people because the fields have been 'diked and made pastures for bestes,' and because many dwelling-houses, farms, etc. have been 'taken by one man.' No one, therefore, was to have a farm worth more than ten marks a year. Owners of houses with twenty acres of land are to maintain the houses and buildings necessary for tillage.

4 Hen. VII., c. 19. Where houses are let to farm with twenty acres of land attached, the houses and buildings necessary for tillage are to be maintained.

6 Hen. VIII., c. 5, orders houses of husbandry in existence at the first day of Parliament to be re-edified, and lands occupied in tillage to continue under the plough.

The statutes 31 Eliz., c. 7, 35 Eliz., c. 6, 39 Eliz., cc. 1, 2, were in force at the beginning of the seventeenth century. The former statute was the sixteenth-century forerunner of proposals for three acres and a cow. In order to prevent the creation of a landless class of married labourers who might burden the rates, it was enacted that no cottage should be built unless four acres of land were attached. The 35 Eliz., c. 6, was the forerunner of the Metropolitan Commons Act. No common land might be inclosed within three miles of the gates of London because such land was used for mustering soldiers and for the recreation, comfort, and health of the people. This seems to be the first legal enactment designed to preserve the privileges enjoyed by the general public on uninclosed land as opposed to the rights of owners and commoners.

7 Hen. VIII., c. 1, reiterates 6 Hen. VIII., c. 5.

25 Hen. VIII., c. 13, recites practice of gathering many farms into one hand for sheep-walks, which has enhanced rent or increased fines of land so 'that no poor man is able to medall with it,' while some men have 23,000 sheep on the land. Number of sheep for one man limited to 2,000, and number of farms to two.

27 Hen. VIII., c. 22, recites 4 Hen. VII., c. 19, and states that this Act had been inforced only on lands of the King. The King was to have half the profits of inclosed land when the lord neglected to enforce the Act. Confined to counties of Lincoln, Notts, Leicester, Warwick, Rutland, Northants, Beds, Bucks, Oxon, Berks, Isle of Wight, Worcester, Herts, and Cambs.

27 Hen. VIII., c. 28, applies to monastic land. All who were granted this land were to maintain a household on the site of the monastery, and to keep as much land in tillage as was so employed twenty years before the Act.

5 & 6 Edw. VI., c. 5. By 1553 as much land was to be put in tillage as in 1 Hen. VIII. Commissioners were to be appointed to ascertain by inquest how much land was in tillage.

2 & 3 Phil. & Mary, c. 1, gives power to commissioners to order re-edifying of houses or inclosing for tillage within twenty miles of the Scottish border.

2 & 3 Phil. & Mary, c. 2, recites 4 Hen. VII., c. 19. Extends it to houses with twenty acres of land, whether employed in tillage or not. Orders enforcement of Act on land converted from tillage to pasture since 20 Hen. VIII., and also destruction of new warrens made near cornland.

5 Eliz., c. 2, confirms 4 Hen. VII., c. 19; 7 Hen. VIII., c. 1; 27 Hen. VIII, c. 22; 27 Hen. VIII., c. 28; and repeals the statutes of Edw. and Phil. & Mary as to tillage and houses of husbandry. Now enacts that all lands tilled for four years since 25 Hen. VIII. shall be kept in tillage.

The whole series of Acts, except 25 Hen. VIII., c. 13, are variations of the principles enacted by 4 Hen. VII., c. 19, and 6 Hen. VIII., c. 5. The later Acts merely state their definition of a house of husbandry, and vary as to the area and period in which the Act shall be enforced and as to the machinery for putting the provisions into execution.

The 39 Eliz., c. 1, repealed 4 Hen. VII. c. 19, and all other Acts against pulling down houses, and provided that a house of husbandry should be a house that 'hath or heretofore hath had' twenty acres of arable land. All such houses which had been destroyed during the last seven years were to be rebuilt; but if destroyed more than seven years only one half were to be rebuilt, but to each of these at least forty acres of land were to be attached.

The 39 Eliz., c. 2, related to the substitution of pasture for arable land. All arable land so converted since the first year of Elizabeth was to be restored unless other land of the same owner were tilled instead. This statute extended to twenty-three counties of England and to Pembroke. The counties omitted were chiefly those of the south-west, nearly all the Eastern and Midland Counties being included.

Commissions

To inforce the series of tillage statutes a succession of commissions to inquire as to inclosures had usually been appointed during the seasons of dearth when the popular suffering and discontent were greatest. Valuable contributions to the history of the commissions of 1517–1519[1] and of 1607 have been already published by this society. It is therefore only necessary to say that the commission of 1607 was called forth by a rebellion in Northamptonshire, and was confined to that county and to the counties of Leicester, Nottingham, Bedfordshire, Bucks, Hunts, and Lincolnshire, and related only to inclosures made within the preceding thirty years. The presentments relate to about $2\frac{1}{2}$ per cent. of the total area of the six Midland Counties, and were most numerous in Northamptonshire. The information thus collected was in a form which failed to secure a conviction in the Central Law Courts.[2]

[1] Mr. Leadam was the first to make known the details of the evidence furnished by any of these commissions in 'The Domesday of Inclosures' relating to the inquiries of the commissioners of 1517–19. Other inquiries were made in 1548, 1566, 1607, 1632–36, and in Lincolnshire, 1614.

[2] The percentage of acreage affected to the total county area are given by Mr. Gay as follows: Warwick, 0·93; Leicester, 2·32; Northants, 4·30; Bucks, 1·48; Beds, 3·32; Hunts, 3·29. Average, 2·53.

The chief offenders were, however, summoned before the Council, and bonds taken out that they should rebuild those houses[1] which had fallen into decay, while two commissions were appointed in 1608 to compound with inclosures.[2]

Moreover, inquiries as to the extent of inclosure were made, not only in the Midlands, but also in Yorkshire, and probably in other counties.[3]

Special proceedings also appear to have been taken by the judges of assize in response to letters of the Privy Council issued on July 17, 1609. Coke, acting apparently as judge of assize for one of the circuits in the West, reports in 1609 that in his division twenty-six houses of husbandry have been repaired, and four houses which had been consolidated into two farms had been again divided. He states that 'some fewe' of the offenders had been convicted soon after the letters were received, and this proceeding 'hath wrought theis 2 effects; first, a reformacon of theis particulars and a staye[4] in others for doinge the like (as we hope).' Many more, he says, are indicted for like offences who have hitherto stood out by advice of counsel.

James I. D.S.P. 48, Sept. 2, 1609

These proceedings do not stand alone. In 1614 the inhabitants of Holtoft present an elaborate report of the persons there guilty of depopulation,[5] while in 1617 there was a very lively dispute in Berkshire with regard to the right of common in the common fields of Wickham and Colthorpe.[6] The dispute over the inclosure of Welcombe

[1] *S.P. Dom. James I.*, xl. 85.

[2] *Cal. of State Papers*, pp. 432, 464.

[3] North Riding Records Soc. *Quarter Sessions Records*, i. 78.

[4] *S.P. Dom. James I.*, xlviii. 4, Sept. 2, 1609.

[5] *Dom. Corres.* May 11, 1614. See Appendix.

[6] *Privy Co. Reg.* f. 111, July 25, 1617. Here a Sir Thos. Chamberlain, a justice of Chester, took legal proceedings against T. Halliheade and others with regard to the right of common in the fields of Wickham and Colthorpe. Lord Say intervened in the dispute, stating if Chamberlain did not refer the matter to him, Chamberlain's inclosed ground should again be made common. Certain 'riotous persons' therefore dug up a hedge of twenty years' growth on the property of a clerk in Chancery and threatened to do the like in the fields of

common fields has a special interest of its own, because it is connected with one of the very few known facts of Shakespeare's life. He and a Thos. Greene were owners of the tithes of Welcombe common fields, and in 1614 Greene met Shakespeare in London and talked over the matter, trying to induce Shakespeare to join him in opposing the measure. In 1615 the matter was discussed at the assizes, and Coke 'willed' the instigator Combe 'to sett his heart at rest: he should neyther enclose nor lay downe any earable nor plowe any greenswar.'[1] Notwithstanding Combe seems to have persisted, and in 1618 we have a petition of the burgesses to the Privy Council. Combe is ordered to plough as before, and to restore the 'meeres and bankes' until the matter is determined by Coke and the other judges of assize.[2]

All these proceedings seem to show that where there was discontent, and depopulation was feared, the judges of assize and the Privy Council did prevent inclosures, and even force remedial methods to be adopted.

But after 1619 there seems to have been a reaction. In that year farmers and landlords suffered much from the low price of corn, and the Privy Council seem to have tried to relieve them and not the poor.[3]

This may explain the fact that at this time a proclamation was issued stating that the tillage laws had become rather the opportunity of informers than useful restrictions, and appointing a commission to grant pardons to offenders, while in 1624 the tillage laws themselves were repealed.

Their repeal, however, by no means stopped the action of the Government, but only led to a short cessation

Chamberlain himself, Lord Say, a justice of the peace, being present in the fields at the time. The Privy Council were alarmed, and wrote to Lord Wallingford reminding him of the disturbances in Northampton and asking him to take great care to quell this outbreak. The letters say that the 'general speech' is that now Lord Say has 'begunn to digg and levell downe hedges and ditches in the behalf of commones there would more downe shortely after.'

[1] Ingleby, *Shakespeare and Welcombe Inclosure*, p. 2. This order was again confirmed at the Assizes 15 James I.

[2] *Privy Co. Reg.* f. 100, Feb. 15, 1618. Vol. iv. See Appendix II. *infra.*

[3] *Ibid.* Jan. 26, $6\frac{19}{20}$.

of repressive measures, during which the number of inclosures seems to have rapidly increased.

In 1629, 1630, and 1631 corn again rose in price, and there was trouble on account of its scarcity. The paternal Government of Charles I. revived in this as in other matters the practices of its predecessors, and in November 1630 letters from the Council were sent to the justices of Derby, Hunts, Notts, Leicester, and Northampton. In these letters the Council state that they have received information as to inclosures in those counties and the turning of arable land into pasture, 'w^{ch} enclosures and convercons tending as they generallie doe unto depopulation are against the ancient lawes of the kingdome and are of evill consequence and example as at altimes so especially at this tyme of dearth, it being a greate occasion of feare in the common sorte of people that such convercon being suffered will occasion more scarcitie hereafter, and may produce worse effects in the common wealth.' The Council, therefore, charge the justices to remove all inclosures of the last two years.[1]

In March 163$\frac{0}{1}$ the Council have received no reply from the first three counties, and write to the justices again, but in Leicester and Northampton. The writers say:

> 'There appeares many great inclosures . . . all w^{ch} are or are lyke to turne to the conversion of much ground from errable to pasture and be very hurtfull to the commonwealth although they beare a fayre shewe of satisfaccon to all parties who are concerned in those grounds inclosed. But wee well know wthall what y^{e} consequence will be, and in conclusion all turne to depopulacion.'

The letters then ask the justices to send word to the chief offenders that unless they lay open the grounds inclosed they will be called to a strict account.[2]

These letters issued by the Privy Council show that the official opinion of the time coincided with that of the pamphleteers in the belief that as late as 1631 inclosure in the Midland Counties tended to depopulation, even when all the commoners were well treated.

[1] *Privy Co. Reg.* vi., f. 199. [2] *Ibid.* f. 385, Mar. 7, 1630.

The action of the Government did not cease with these inquiries: three commissions were also issued, one ascribed to 1632,[1] a second in May 1635, and a third in March 163$\frac{5}{6}$.[2] Special instructions were also issued to judges of assize in 1633, who were afterwards required to attend the Council, and report their proceedings.[3] The tillage laws having been repealed,[4] another legal justification had to be found for these proceedings. It seems, therefore, to have been decided in the Court of Star Chamber that 'depopulation' was an offence against the common law.[5] This view of the matter is confirmed by the authority of Coke, who appears to have been often active in proceedings against inclosers.[6] In the Court of Star Chamber prosecutions were instituted against offenders such as Sir Anthony Roper and Mr. St. John.[7]

[1] *S.P. Dom. Chas. I.*, ccxxix., no. 112. This is an undated document assigned in 1632:—Commissions to be prepared to inquire into depopulation and conversion of arable land into pasture for the following counties: Lincoln, Leicester, Northants, Somerset, Wilts, Gloucester. John Pym and Thomas Hughes were among the commissioners. The name of Thomas Hughes furnishes proof that commissioners were actually appointed about 1632, for Powell mentions Hughes as the commissioner for whom he made inquiries, Powell's book being entered at Stationers' Hall in 1635 (*Depopulation Arraigned*, A, 2*b*). Hughes's name does not occur in the later commissions.

[2] *Patent*, 11 Chas. I., pt. 23, no. 2706, no. 3, *dors*. Commission to Archbishop of Canterbury, William Bishop of London etc., for inquiring into depopulations and conversions since 10 Eliz.; dated March 23 (1636). *Patent*, 11 Chas. I., pt. 5, no. 2688, no. 31, *dors*. Commission to the same people for the same purpose since 30 Eliz. May 8 (1635).

[3] *Priv. Co. Reg.* ix., f. 267, Oct. 18, 1633.

[4] 21 Jac. I. The 25 Hen. VIII., c. 13, remained in force.

[5] Powell, *Depopulation Arraigned*, p. 84.

[6] *Coke Institutes*, bk. iii., p. 205, 1644 edition. 'That which may be lawfully prohibited before it is done may be justly punished after it be done.'

[7] 'The decay of tillage and houses of husbandry are the undoubted causes and grounds of depopulation, and a crime against the common laws of this realm. And every continuance thereof is a new crime as hath been lately declared by sentence in the Starre Chamber in Sir Anthonye Rooper's case,' clxxxvii., no. 95, Chas. I., *S.P.D.* 'His Maj. Att. General preferred an information in his Ma^{ts} High Court of Star Chamber for depopulating the towne of Coulderton' etc. Do. cccxlii. 45. Certain witnesses in this case complain that as a consequence of their giving evidence 'St. John drove them out of the towne

The attempts of the Government to control inclosures ceased with the outbreak of the Civil War.[1] Under the Commonwealth, however, attempts were made to revive the old restrictions, or at least to obtain a regulated inclosure which might secure the economic advantages of severalty, while safeguarding the interests of the poor. Petitions were prepared and presented,[2] a committee of the Council of State was appointed, numerous pamphlets were written,[3] and a general inclosure Bill was prepared.[4] The Bill, unfortunately, failed to pass, and from this time forwards inclosure proceeded unchecked by the Government, though still hindered by the opposition of the inhabitants.

Returns of 1630 and 1631

A few of the returns to the Council's letters of 1630, 1631 may be found amongst the State papers, those for Leicester and Huntingdon being nearly complete. They relate to inclosures for two years only, but they throw an important light both on the rate of inclosures in Leicestershire during the cessation of the Government proceedings against depopulation and on the bearing which statistics of depopulation and conversion bear to statistics of inclosure.

Rapid rate of Leicestershire inclosure

The most remarkable feature of the returns is the rapid rate of the movement in Leicestershire. There in two years seven lordships were inclosed and several other large areas, the extent of the inclosed district seemingly being over 10,000 acres, or nearly 2 per cent. of the total area of the

where they were borne and their fathers and ancestors hath lived as farmers—tenants by the space of an 100 yeares and more—and will not suffer them to have anything there to live upon for the maintenance of the poore wives and children.'

[1] Other instances of the action of the Government occur in connection with South Leverton and Cottham, Notts, *Privy Co. Reg.* viii., f. 351; Eastfield, Barton Stacy, Hants, Nov. 29, 1634, x., f. 252; Harpham, Yorks, June 27, 1634; *Privy Co. Reg.* vol. x., f. 50; Mitcham, Surrey, Nov. 10, 1637, vol. xii., f. 356.

[2] *Cal. State Papers*, Nov. 14, 1655.

[3] The pamphlets of Moore, Taylor, and Pseudomisus appeared between 1650 and 1656.

[4] *Journal of House of Commons*, Dec. 19, 1656—'A Bill for improvement of waste grounds and regulating of commons and commonable lands and preventing depopulation was read a first time and afterwards rejected.'

county.[1] This is nearly double the extent of the area affected by depopulation returns in 1517–1519 and five-sixths of that in 1607, although only two years are involved in 1630, instead of thirty or thirty-two [2] in the previous periods. This rapid rate of inclosure may be partially due to an increase of the inclosure movement, which, there are grounds for believing, took place in the earlier half of the seventeenth century; but, allowing for an increased rate of inclosure, this Leicestershire rate is so rapid that it must have been exceptional, for a rate of 2 per cent. of the total area of the county in two years would inclose the whole county in fifty years.

One explanation may lie in the fact that the tillage laws

[1] *S. P. Dom. Chas. I.*, clxxxiii. 17	Market Bosworth .	2,000 acres	Used for tillage if fit, but more suitable for pasture
	Nelston . .	1,000 acres	Bad soil, more suitable for pasture, but must be ploughed occasionally
	Donington-upon-the-Heath	500 acres	
cxcii. 24	Broughton Astley .	2,300 acres	400 converted
cxcii. 24	Half Croft . . Total area 1,010. Estimated inclosure half two-thirds of total	c. 335 acres	Estimated: 150 converted
cxci. 10 I.	Blaston . .	200 acres	Converted
cxci. 10 II.	Frisby . . . 3 yardlands, one 50 or 60 acres	150 acres	Converted
clxxxiv. 7	Could Overton .	1,400 acres	
ccii. 19	Nayleston . . 45¼ yardlands	c. 1,372 acres	Estimated: not converted
clxxxvii. 82	Loddington . . 1,840 total area	c. 1,225 acres	One-third to remain in tillage for twenty years
clxxxiii. 25 cxci. 10 III.	Ragdale . .	19 acres	
	Total .	10,501 acres, besides	
clxxxiii. 24 clxxxiii. 17	Breedon . .	50 acres, not completed, and others in Sparkenhoe Hundred, not specified, because not involving conversion.	

[2] The return for Leicestershire in 1517–1519 is complete. The figures given by Mr. Gay are as follows:—1517–1518 (1485–1517), 5,780 acres; total acreage affected, 1·09 per cent. of county area, of which 4,622 acres were converted to pasture. In the return of 1607 (1578–1607) 12,290 acres were affected, or 2·32 of the county area, of which 4,973 acres were converted to pasture (*Trans. Royal Hist. Soc.* xviii., p. 233).

were in 1624 repealed, and men had some reason to suppose that the Government measures to check inclosure had ceased. If the Government pressure were effectual, the rapid inclosure of 1628–1630 would then be a natural reaction from a forced state of inactivity. If, however, the action of the Government practically failed to check the rate of inclosure, as Mr. Gay suggests, some other explanation is required. It is, however, difficult to compare these figures with those of 1607 and of 1517–1519, because the earlier figures relate chiefly to inclosure involving depopulation or conversion to pasture,[1] the later figures often to inclosure whether accompanied by depopulation or otherwise.

Our Leicestershire reports confirm the testimony of pamphlets and letters from the Council that inclosure was usually still followed by conversion to pasture, but not to the whole extent of the ground inclosed. Thus at Broughton Astley 2,300 acres are inclosed, but only 400 are converted to pasture. At Croft half the lordship is inclosed, the inclosure being accompanied by an agreement to lay down in pasture 150 acres of the ground. This, however, appears to have been on that portion of the lordship which still remained in common.[2] At Cold Overton the inclosure of 1,400 acres seems to have been followed immediately by conversion to pasture. For before the change seventeen or eighteen ploughs were employed, while afterwards only nineteen acres were sown with corn.[3]

The Northamptonshire returns are not among the State Papers, but seem to have resembled those from Leicestershire.[4] The justices of Huntingdon and Nottingham, however, give us somewhat different information. In those counties the prevalent kind of inclosure seems to be still the hedging and ditching of little areas and not of whole lordships. The total amount is small, but the area affected is

[1] *S.P. Dom. Chas. I.*, cxcii. 24.

[2] *S.P. Dom.* and *Privy Co. Reg.*, viii., f. 506, April 10, 1632. Inclosure three years before.

[3] *S.P. Dom.* clxxxiv. 7.

[4] See above Privy Council letter.

greater in proportion to the time involved than in 1607.[1] As the land in Huntingdon remained chiefly under the plough after inclosure it would be less affected by the tillage statutes than Leicester or Northampton.

The contention that the Government efforts to check inclosure had a considerable effect is also supported by the fact that the reports themselves relate to many cases in which inclosures were abandoned in 1631 in deference to the wishes of the Council.[2] Moreover, it is difficult to see how the long series of measures by judges of Assize[3] and Privy Council could have taken place without having a considerable deterrent effect. The fines inflicted by the various commissions for compounding with inclosers would also keep the movement partially in check.[4]

There are also two undated papers ascribed to 1631 and 1633 which show that detailed inquiries took place in

[1] From Normancross Hundred we hear that 73 acres were converted to pasture (*S.P. Dom. Chas. I.*, clxxxvii. 7) and 160 acres of the counties of Westmoreland to be inclosed and to be used for pasture, though she will till other lands instead = 233 acres. In another report, 820a. 1r., 20p. are reported as actually inclosed, while 300 others are about to be inclosed. The inclosures are mostly in small pieces ; about 300 acres are definitely said to be converted to pasture, while a very few acres (under 10) are reported as still under the plough. Two entries relate to land formerly inclosed, but only lately converted to pasture, involving 85 acres, while 25 acres of land have been inclosed which were formerly pasture and remains in the same state. Of the next, inclosure is stated, the conversion to pasture being left doubtful (*S.P. Dom.* clxxxix. 94). The Nottingham inclosures are of the same character, amounting to 1,135 acres (*S.P. Dom.* cxcii. 94, 93). In Derbyshire very few inclosures are reported, and the Justices of one division say there is a desire to increase and maintain tillage (*S.P. Dom.* clxxxi. 7).

[2] Apparently the old inclosures remained, but new ones did not proceed. In Huntingdon the inclosure of 300 acres was abandoned in deference to the Council, and 50 acres at Breedon in Leicestershire. In a letter from the Council, May 1631, it is stated that gentlemen wish to proceed, but they are only to do so if they will be bound by a decree in Chancery not to 'decay tillage' or houses of husbandry (*S.P. Dom. Chas. I.*, cxci. no. 56).

[3] Coke's notes of the Lord Keeper's speech in 1633 allude to 'the error that men thought they might depopulate because the tillage statutes were repealed, and state also that there was a special charge 'against depopulating enclosures' (*S.P. Dom. Chas. I.*, cclv. 44). The case of the depopulation of Farningham, Kent, by Sir Anthony Roper came up at Milton Assizes in 1633 (*ibid.* ccxxxiii. 36).

[4] See above.

Warwickshire and Lincolnshire. That for Warwickshire relates to the conversion of 4,868 acres to pasture and to the decay of 106 houses of husbandry. These figures resemble closely those in 1607.[1] The paper relating to Lincolnshire deals with only a fragment of some proceedings there, but it shows that these inquiries were not only made but acted upon. In nine cases fines of 300*l.* had been exacted, and the offenders were required to erect thirty-three houses.[2] Again, in the proceedings of 1636 the sheriff of this county and Lord Brudenell were fined by the Lords Commissioners, showing that in Lincolnshire the Government was without doubt occasionally vigorous in its efforts to stop inclosures.[3]

Relative position of the Midlands

But the relative position of the Midlands with regard to inclosure is the strongest proof that the Government action and popular discontent were partially successful in checking inclosure.

It is chiefly in the Midland counties and in Lincolnshire that the Government took action, chiefly from the Midlands that complaints arise, and in Northampton that the most serious disturbance took place. If, therefore, inclosure were checked anywhere by the Government action and opposition of the inhabitants it would be checked in the Midlands, and that part of the country would be less inclosed than the rest of England.

That this was the case at the end of the seventeenth century is proved both by the direct evidence of contemporaries and by the indirect evidence of the Private Acts.

Morton, writing of Northampton in 1712, says the greatest

[1] *S.P. Dom. Chas. I.*, cclvii., 129. The names both in this paper and in that relating to Lincolnshire suggest that these belong to an earlier date, possibly to the proceedings of 1607 in the case of Warwickshire, and in 1609 in that of Lincoln.

[2] *Ibid.* vol. ccvi. no. 71.

[3] In February 163$\frac{5}{6}$ Sir William Pelham says his father had a pardon under the Great Seal in recompense for services in which he shed his blood. In March 163$\frac{5}{6}$ he wants to attend the lords commissioners for conversion (*ibid.* cccxiv. 29; cccxvi. 58). Lord Brudenell states he was fined 1,000*l.* for depopulation of Hougham. Says he has only depopulated to a slight extent, and has paid 500*l.*; wants to be excused the rest. Admits that others have depopulated much (*ibid.* cccxlii. 47).

part of the county is still open ;[1] a writer of 1654 states that 'fields lie open particularly in the inland counties.[2] Ogilby's road-book of 1675 marks more than half the roads of Northampton, Nottingham, and Rutland as running through the uninclosed country.[3] But the statistics of the Private Acts of the eighteenth and nineteenth centuries furnish more conclusive evidence, and there is therefore a strong presumption that the counties which were inclosed by Private Acts in the eighteenth and nineteenth centuries were least inclosed when the eighteenth century began.

Evidence of contemporaries

Indirect evidence of Private Acts

The difference between one district and another is very great ; parliamentary inclosure during this later period is greatest in a group of east Midland counties, and reaches its maximum in Northampton. In Northampton nearly half the total area was divided by Private Acts ;[4] in the counties adjoining Northampton — namely, in Leicester, Rutland,

[1] Morton's *Northamptonshire*, p. 15.

[2] *Considerations concerning Common Fields*, Pseudomisus, p. 38.

[3] Ogilby, *Itinerarium Angliæ*, 1675. This is not the case with Leicester, but in Leicester very few roads are marked.

[4] These figures are obtained from the official calculations in the case of inclosures from 1702–1797 ; from the figures given in the official lists from 1801–1869 ; and from the Acts themselves from 1797–1801. All are based on the figures contained in the Acts themselves when these are stated, and by averaging for the cases where the figures are not given. The average is made (1) for each county, because the Acts from the same county usually resemble each other, and (2) for the periods 1702–1797, 1798–1815, 1816–1843, 1844–1869. The later Acts have been neglected, but there were none between 1869 and 1874, and the estimated area of waste and common field in 1874 has been stated. It is noticeable that the Acts after 1844 affect smaller areas, as a rule, than the earlier Acts, while those between 1798 and 1815 affect larger areas.

The following are the figures for Northampton :

Total Extent of Land Area, 636,123. *Agricultural Statement*, 1903.

Date of Acts	Number of Acts in which area is stated	Extent in acres	Number of Acts in which area is not stated	Estimated extent in acres	Total acres	Per cent. of total area
1702-1797	97	157,956	30	48,852	206,808	32·5
1797-1815	39½	62,227	4	7,300	69,527	10·9
1816-1843	12	23,908	7	13,946	39,854	5·9
1844-1869	12	1,373	None	—	1,373	0·2
						49·5

Huntingdon, Bedford, and Oxford[1]—more than forty per cent. was so inclosed; while in other counties adjoining these—namely, in Lincoln, Nottingham, Cambridge, and Buckingham[2]—more than thirty per cent. of the whole extent was affected.

On the other hand, less than ten per cent. of all the extreme western counties[3] and of the counties of Suffolk, Sussex, and Kent were subjected to inclosure by Private Acts.

A streak running south from the centre of Yorkshire including Durham, and passing west of the Midland group includes the counties of average parliamentary inclosure in which more than ten per cent. and less than thirty per cent. were divided by statute.[4]

As it is impossible that common ownership and rights of common should be extinguished in the same districts both before and after 1702, these figures afford strong proof that Northampton and the group of adjoining counties were comparatively uninclosed at the end of the seventeenth century.

The question further remains, whether the difference

Total per cent. of Area inclosed by Private Acts.

Common field, estimated in 1874 (Return on Inclosures, House of Commons, 1874)	2,947	3·3
Waste, estimated in 1874 (this estimate does not appear very trustworthy)	17,549	
Remainder		47·2

[1] The figures are approximately as follows:

Hunts . .	45	per cent.	of total area	inclosed	by Private Acts
Rutland . .	44	,,	,,	,,	,,
Leicester. .	41½	,,	,,	,,	,,
Oxford . .	41	,,	,,	,,	,,
Bedford . .	40	,,	,,	,,	,,
[2] Lincoln . .	38	,,	,,	,,	,,
Notts . .	36	,,	,,	,,	,,
Cambridge .	35	,,	,,	,,	,,
Bucks . .	30	,,	,,	,,	,,

[3] For example: Devon, about 2 per cent.; Kent, under 1 per cent.; Cornwall, rather over 1 per cent.

[4] Norfolk appears also to be an average county in this respect, but the figures are seldom given, so that the result of averaging is not very trustworthy.

The proportion of Acts relating to common field inclosure appears to be greatest where the total inclosure is greatest.

between these counties and the rest of England was due to a different method of settlement, to inclosure before the seventeenth century or to inclosure during the century itself.

The difference between the settlement of woodland districts and others has often been noted. In Essex some of the villages in the midst of the forest retained their common fields until recent times;[1] but when the forest was reclaimed and cultivated at a comparatively late date,[2] the grounds appear to have been inclosed at once. Trigge mentions that Essex, Hertfordshire, and Devonshire were woodland counties inclosed in this manner.[3] Much of Lancashire seems to have been settled in the nineteenth century,[4] while Somerset, Kent, Suffolk, and Cornwall seem to have had many inclosures when the seventeenth century began.[5] Parts of Warwickshire and Norfolk also were woodland and inclosed, and were contrasted with the champion districts which remained in tillage.[6]

[1] Fisher, *Forest of Essex*, p. 268.

[2] What this date is remains uncertain. The districts inclosed in the time of Domesday have been suggested; but the fact that the open-field system was used in New England suggests that some districts first cultivated from the twelfth to the sixteenth century in England may have been cultivated in common fields. Dr. Cunningham suggests that this may be a revival rather than a survival (*English Industry and Commerce*, p. 348).

[3] Trigge, *Humble Petition of Two Sisters*, B 1.

[4] Whalley, *Whitaker*, i. 289.

[5] Somerset retained some common fields, but was an inclosed county in Norden's time (Norden, *Surveyor*, p. 232). See Cunningham, *English Industry and Commerce*, p. 898.

Kent, and also Essex and Devonshire (*The Common Weal of this Realm of England*, p. 49).

Suffolk: Tusser.

Cornwall: Carey, *Survey of Cornwall*, 1602, p. 66. He speaks of the hard times suffered by the landman, who 'in times not past the remembrance of some yet living rubbed forth their estate in the poorest plight, their grounds lay all in common or onely divided by stitchmeal.' He contrasts this state of things with their more prosperous condition when he writes. This evidence seems to show that some system of common or common ownership had been the rule in Cornwall, though, owing to the barren soil and backward agriculture, it may not have resembled the common fields of Daventry.

[6] Of Norfolk we are told 'the parte of it towards the sea and much of the west westwards is champion; the other parte toward Suffolk is woodland and pasture ground.' There are 'above 200 townes in the champion parte and com-

Dorset, Wiltshire, Hampshire, and Berkshire, on the other hand, are described as being 'champion' or open-field districts in 1607,[1] and it is not until after the middle of the century that the difference between the Midlands and the rest of the country seems to be recognised.[2] It therefore appears that the relatively uninclosed state of the Midlands at the close of the seventeenth century was partially due to seventeenth-century inclosure, particularly to the rapid inclosure which seems to have taken place between 1595 and 1665.

Yet another question arises as to why the complaints were greatest from the Midlands if the Government measures were successful in checking inclosure, and these counties still remained comparatively uninclosed.

There appear to be reasons why the Midland counties should suffer more than others, even if the rate of inclosure were less than elsewhere; for, as we have seen, the distress of the poor was caused, not by the growth of hedges, but by the decrease of arable land, and the extinction of the small farmers when no calling was open to them but agriculture.

In the seventeenth century, as we have already seen, the Midlands were the great corn-growing districts of England. Sandes, writing in 1631, in a letter to which allusion has been made, complains of the great injury which is done by

monly in everye of them is 20, 30 ploughes and 1000, 1500, 2, 3 or 4000 combes of corne yearely growing. When export allowed between Lynn and Wells 30,000*l.* has been taken of 'outlandish gould for corne transported the country.'

Camden and Leland contrast the two parts of Warwickshire (Camden, *Britannia*, ed. 1695, p. 499).

[1] Norden, *Surveyor*, p. 232.

Moreover, the earlier depopulation returns of 1517–1519 show that conversion to pasture and consolidation of farms proceeded more rapidly in the Midlands than elsewhere, for they relate to twenty-six counties, and in 1517–1519 figures of the area converted to pasture or affected by the consolidation of farms would bear a much closer relation to the total area of inclosure than similar figures in 1631, because the inducements to convert to pasture were greater, and inclosure piece by piece was the rule rather than the inclosure of the whole lordship.

[2] Northampton, however, is quoted as typically champion in 1607. See 'A Consideration of the cause in question before the Lords touchinge depopulation,' printed in Cunningham's *English Industry and Commerce*, part ii., p. 898.

inclosers who 'decay tillage and depopulate townes in the best naturall corne countryes, w^ch^ afore supplyed y^e^ wants of others every way being in the midle of y^e^ land.' [1]

At the present day, and for more than a century, some of these Midland counties, especially Northampton, Rutland, and Leicester, have contained some of the best pasture lands of the kingdom, and chiefly consist of pasture, so that since inclosure the change from arable to pasture has been greater in these counties than elsewhere.

At the same time in Northampton there was very little waste or forest to supply new tillage grounds to occupy the displaced population.[2]

Moreover, in the seventeenth century these now busy manufacturing districts had few manufactures. 'I complaine not of inclosure in Kent or Essex, where they have other callings and trades to maintaine their country by, or of places near the sea or City, but of inclosure in the inland countreys which takes away tillage, the only trade generall they have to live on.' [3]

In the Midlands, therefore, not only were the changes wrought by inclosure greater than elsewhere, but they tended more largely to injure the poor and depopulate the country.

This conclusion has a certain interest from the point of view of general history. It seems to show that the provisions of seventeenth-century statutes were more generally executed than is usually supposed, and that the personal Government of Charles I. was paternal in practice as well as in theory, and probably mitigated the hardship to the poor of this particular economic change.

A point of some interest is suggested by this view of the inclosure movement. Writers on the subject nearly always discuss the question from a purely agricultural point of view, in spite of the fact that the agricultural counties

[1] *S.P. Dom. Chas. I.*, vol. ccvi., no. 70.

[2] Norden, *Northampton*, p. 24. 'No shire within this land hath so little waste grounds.'

[3] Moore, *A Scripture Word against Inclosure*, Introd.

are the last to be inclosed. A right of common was inconvenient to agriculturists, but it was much more inconvenient to the people of Chelsea who wanted to build houses, to the people of Durham who wanted to sink mines, or to anyone who required the land for other than agricultural purposes.

General extent of inclosure movement in the 17th century

This view of the relative position of the Midlands in the inclosure movement lessens the force of the argument that because only 2·53 per cent. of the area of the Midlands was reported in the depopulation returns of 1607, the progress of inclosure in the seventeenth century was exaggerated. We may therefore believe the statements of the numerous authorities,[1] both local and general, who report

[1] 1602. Richard Carew, *Survey of Cornwall*, pp. 37 and 38. Thoroton, *Nottinghamshire*. 'This prevailing mischief in some parts of this shire have taken away and destroyed more private families of good account than time itself within the compass of my observations.' Pref. xvi., xvii. See Appendix I.

1685. Aubrey, *Nat. History of Wilts*, p. 104. 'Anciently in the hundreds of Malmesbury and Chippenham were but very few enclosures, and that near houses. The north part of Wiltshire was in those days admirable for field sports. All vast champian fields as now about Sherston and Mansfield. . . . About 1595, all between Easton Piers and Castle Combe was a campania like Coteswold upon which it borders, and then Yatton and Castle Combe did intercommon together. Between these two parishes much hath been enclosure in my remembrance, and every day more and more. . . . I doe remember about 1633, but one enclosure to Chipnam field which was at the north end, and by this time I thinke it is all enclosed. So all between Kington St. Michael and Dracot Cerne was common field and the west field of Kington S. Michael between Easton Piers and Haywood was inclosed in 1664. . . . Then were a world of labouring people maintained by the plough as they were likewise in Northamptonshire.

A History of Northumberland, 1895, etc. The following inclosures are among those mentioned:

Probably Bilston, ii. 458.
Acomb, iv. 1694, p. 139.
Togston, v. 1632–3 and 1686, p. 332.
Acklington, lately divided 1702, v. 372.
Over Burton, v. 1621, p. 212; see also v. 285.
West Thirston, vii. 1657, p. 315.

Warwick, Camden's *Britannia*, 1607, states that the fielden part of Warwickshire had been largely inclosed since the reign of Henry IV. Gibson, in his additions of 1695, states that the change from tillage to pasture had been made largely within living memory. For Chancery decree see above.

Joseph Bentham, *Christian Conflict*, 1635, pp. 319, 322. This volume contains sermons preached at Kettering, and relates mainly to the county of North-

a great increase of inclosure in the seventeenth century in the Midlands and elsewhere.

Carey, writing of Cornwall in 1602, says 'they fal everywhere from commons to inclosure and partake not of some easterne tenants envious dispositions who will sooner prejudice theire owne present thrift by continuing this mingle mangle than advance the Lord's expectant benefit after their terme expired.' Like statements are made by local historians of Wiltshire, Nottingham, Warwick, Leicester, and Northampton, and there is evidence of the same kind from Northumberland.

General statements to the same effect occur in

ampton. He refers to the inclosures of several towns adjoining Kettering, and particularly cites eleven cases within his experience where the inclosing owner has not prospered.

The following are examples of inclosures by agreement quoted in George Baker's *Northampton*:

	Name	Acres	Date of Agreement	Chancery Decree
P. 219.	Teton or Teeton.	640	1590	
P. 604.	Culworth.	2000	James I.	
P. 112.	Brockhole.	850		1619–20 16 James
P. 349.	Dodford.	1400		21 Jas. I. 1623
Vol. ii., pp. 187, 189.	Passenham.	Traditionally by Sir Robert Banastre in the reign of Chas. I.		
P. 404.	Litchborough, Redmore field (20 Oct. 23 Car. I.)			

	Name	Acres	Date of Agreement	Chancery Decree
P. 7.	Abington	1090	1659	13 Car. II. 1662
P. 426.	Preston Capes	1744	1659	1669
P. 72.	Weston Favell	1030	1666	—

Braybrook also was inclosed by agreement in 1646, and reduced to articles in 1649 (Chancery Orders, 1655, A, f. 135).

Leicestershire: a Vindication of a Regulated Inclosure, 1656, Joseph Lee. He defends the inclosure of Calthorp in Leicestershire, and quoted the names of nineteen places in which inclosures have taken place without depopulation (p. 5); and of fifteen also where in most cases the land has been ploughed within thirty years (p. 8). Two towns occur in both lists. Moore states that two of the towns mentioned by Lee have 'no house at all left in either of them but the minister's,' and states that England, especially Leicestershire and the counties adjacent, is guilty of depopulating inclosure (*A Scripture Word against Inclosure*, John Moore, 1656, p. 10. See above for Chancery Decrees in Yorkshire).

contemporary writings throughout the century. Francis Trigge, in 1604, says the prevalence of inclosures is fulfilling the prophecy, 'Horn and thorn shall make England forlorne.' William Parkes in 1612 speaks of 'those bounds and limits which the covetous hands of modern enclosers have lately measured forth.' Powell, in his 'Depopulation Arraigned,' speaks of the movement as increasing and transcending from meane tenants to great landlords, and from small quantities of acres to whole townships, tythings and hamlets.' He is writing in 1635, and relates that 'within the space of forty yeares there have beene so much circumseption and wounding in of common errable fields.' Powell writes accurately and carefully whenever we can test him, and had been employed by one of the inclosure commissioners of Charles I., so that he is a particularly good authority. Moreover, he is a Somersetshire man, and his evidence therefore relates especially to the West of England. His testimony agrees with that of others. Pseudomisus in 1656, in reply to Moore's statement that a hundred towns in Leicestershire had been recently enclosed and nearly all had been depopulated, states that 'many times more in other countries are inclosed and not so as either to unpeople towns or uncorne fields.'

Forster in 1664 states also 'there hath been of late years divers whole lordships and towns enclosed and their earable land converted into pasture which practice being still continued and more and more land every year enclosed will certainly in time very much increase the price of corn.' Houghton, as late as 1681, speaks 'of our late great inclosure,' and these quotations are only a few of many similar statements which are made by writers at different periods of the century.

Carey alludes to previous inclosure in the sixteenth century, but Trigge, Powell, and others seem to date a great increase or revival of the inclosure movement to the closing years of the sixteenth century. Their evidence is supported by statements made by Bacon, who alluding to former statutes

states, in 1597, that the inconvenience 'being then scarce out of the shell is now full ripened.'[1]

However this may be, it would seem that during the seventeenth century our country grew many of the hedges which are so marked a feature of its landscape to-day, and thereby made possible the great development of agriculture during the next century. At the same time movements in the social order were set in motion which gathered momentum as time advanced, and have resulted in a distribution of landed property as unique as the almost universal prevalence of hedged fields.

We have seen this social change caused great distress to the population immediately concerned, and put a strain on

[1] Many of these authorities are those quoted by Mr. Gay.

1604. Francis Trigge, *The Humble Petition of Two Sisters*. See also Epist. Ded. 'There is a mighty Thorne sprung up of late in divers places in this realme . . . which doeth not onely goe about to impouerish your Majesties subiects but quite to roote them out. I meane inclosure of fields and commons.'

1612. *The Curtaine Drawer of the World*, p. 3.

1636. Powell, *Depopulation Arraigned*, p. 57.

1656. *Pseudomisus: a Vindication of the Considerations*, 1656, p. 15.

1664. Forster, *England's Happiness Increased*, p. 22.

1681. Houghton's *Letters on Husbandry* etc., Sept. 8, 1681.

See also June 1, 1692.

See also 1616. *The Forest of Thornes*. 'This land of ours within these late dayes hath bred a great number of these field bryers which unnaturally turne their mother into barrennes. Oppressors, inclosers, depopulators, deportators, depreuators,' etc. See above for Richard Scindes, 1631, and letters of Privy Council.

Feb. 25, 163$\frac{3}{4}$. 'There is a generall inclosinge and converting of arable land into pasture.' Sir Robert Osborne, *S.P. Dom.* vol. cclx., no. 106.

1642. Fuller, *Holy State*, p. 100, advocates inclosure, but speaks of inclosures with depopulation as a 'canker to the commonwealth' etc.

1650. Henry Halhead, *Inclosure Thrown Open*, p. 15. 'Inclosures wherein is depopulation . . . is one of the crying sins of our time' (p. 16). Special reference to depopulation 'within these fifty years.'

Roger North, writing about the time of the Revolution, speaks (p. 50) of 'towns lately inclosed or ingrooved into few hands.'

1707. John Mortimer, *Art of Husbandry*, p. 1. 'I shall only propose two things that are matter of fact that I think are sufficient to prove the advantage of inclosures, which is—first, the great quantities of ground daily inclosed' etc.

1732. John Cowper, 'An Essay proving that inclosing commons and common field lands is contrary to the interest of the nation' (p. 6). 'I have been informed by an eminent surveyor that one-third of all the land of England has been inclosed within these eighty years. And if this be true, as I believe it is.'

the administration of the Poor Law which became greater as the movement progressed through the eighteenth and the beginning of the nineteenth centuries.

In those counties, however, where there were manufactures the displaced population soon found other employment. In the Midland districts, however, where there were few industries, the distress was acute and continued until boots, shoes, hardware, and lace solved the difficulty of providing other employment.

In the seventeenth century it seems that the process was begun which gives a peculiar character to later English economic history—namely, that the cultivators of the soil, being for the most part no longer owners or occupiers of land, depend for their well-being on the prosperity of manufactures in the town and not of agriculture in the country. They have been best off in recent times when agriculture and landowning have been unprofitable alike to owners and farmers, and have suffered most when the Napoleonic wars doubled the rent of the land they tilled.

APPENDIX I.

S. P. Dom. Chas I., Vol. clxxxv., No. 86.[1]

From the iustices of the peace of Norfolk to the Council.

Most Honorable : Wee have caused a view to bee made according to yor lops late lres of all inclosures & convrsions of arrable land to meadow and pasture wch are now in hand or have beene made w hin two yeares last past. And wee have signifyed yor lops direccons unto such persons as are causers of any such inclosures & convrsions & have given them notice that they ought not to proceede wth hedgeing or dytchinge in of any such grounds but to let them so rest untill wee shall have furder orders from yor honors. And wee further conceave that if depopulacons may bee reformed it will

[1] The postscript to this document is not printed.

bring a great good to the whole kingd. for where houses are pulled downe the people are forced to seeke new habitations in other townes and cuntryes by meanes whereof those townes where they get a setling are pestred so as they are hardly able to live one by an other and it is likewise the cause of erecting new cottages uppon the waste & other places who are not able to relieve themselves nor any such townes able to sustaine or set them on worke w^{ch} causes rogues & vagabonds to encrease. Moreover it doth appeare that in those townes w^{ch} are depopulated the people being expelled there are few or none left to serve the king when souldjours are to be levyed to appeare at musters for his Mat^{s} service w^{ch} is also a cause that poore Townes where many people are, are put to greater charg in setting forth of souldjours & depopulated Townes are much eased and the subsidie decayed. All w^{ch} wee humbly submit to yo^{r} lo^{ps} great wisdome. And will ev^{r} rest at yo^{r} hon^{rs} service humbly to bee commanded.

Ro. Sutton, Vic.	Gerbas Feberey.
Fran. Thornhagh.	Gilbert Willington.
Matth. Palmer.	Iym. Pusey.
W. Cooper.	Will^{m} Moseley.
Jos. Wood.	Will. Coke.

APPENDIX II.

Privy Council Register, Vol. iv., James I., f. 100. February 14, $16\frac{18}{19}$. A Letter to the Master of the Rolls and Sir Edwarde Coke, knight.

By the inclosed peticon yo^{u} shall perceive the complaynt made vnto vs on the behalf of the bayliffes & burgesses of Stratforde upon Hauen in the County of Warwick concerning an inclosure of 400 acres of arable lande intended to be tourned into pasture by one William Combe of Welcombe in the said parish [of] Stratforde to the preiudice of the tythes of corne & grayne imployed to divers charitable vses the particulars whereof will by the peticon appeare vnto yo^{u}. Forasmuch as wee finde that yo^{u} are already acquainted wth this cause & that at the Assizes in Lente 13 of his Ma$^{ti.}$ vpon a peticon there exhibited it was then ordered that no such inclosure should be made there nor any decay of tyllage admitted vntill good

cause should be shewed to the judges in open Assizes to the contrary. And that the same order was likewise confirmed by the Judges there 15° of the Kinge. Wee have thought meete hereby to pray & require yo^{u} taking to yo^{r} assistance the justices of Assize of the County of Warwicke if yo^{u} shall so think fitt to call aswell the said Combe as the peticoners before yo^{u} & vpon heareing of the cause to order such a course therein for the releife of the peticoners as shalbe agreeable to justice or otherwise to certifie vs yo^{r} opinion of the same that such further order may be taken as shalbe meete. And so etc.

[Signed by the Archbishop, Lord Chancellor, etc.]

[A further letter dated March 12, 16$\frac{1}{1}\frac{8}{9}$ is written to W^{m} Combe, in which reference is made to an order of the judges of assize. Commands are also issued that the land be ploughed as before and that the green sward of the 'meeres & bankes' be restored until further order shall be made by the judges.—Pr. Co. Register, iv. f. 127.]

BARTOLUS[1] AND THE DEVELOPMENT OF EUROPEAN POLITICAL IDEAS

By the Rev. J. NEVILLE FIGGIS, M.A., F.R.Hist.S.

Read May 18, 1905.

THERE are two names which must be well known to anyone who has glanced at the margins of works on law and politics produced in Continental countries, in the sixteenth and seventeenth centuries. With St. Augustine quoted by writers like Althusius more than anyone else, with Innocent IV the 'dominus canonistarum,' the master of the Decretalists, a man never to be ignored in the history of thought, there stand out the great twin luminaries of Perugia, Bartolus and Baldus, his pupil, friend, and adversary. They are pre-eminent among the forgotten. Grotius and Gentilis and Bodin not merely quote Bartolus, but are what they are largely because of him. Pages might be filled with the epithets of laudation from time to time applied to him. He is the mirror and lamp of the law, his name is not so much that of a man as the very spirit of jurisprudence. Some say that he is the sole authority superior to the Roman Rota, while in Spain if there is a defect of law, the opinion of Bartolus is treated as itself decisive.

It was said that he held the primacy in the schools, while his authority even in the courts was sacro-sanct, and neither professors nor judges dared to contradict his opinion. One writer ushers him into the modern world with

[1] I think it best to speak of him by the term by which he is everywhere known and criticised. It seems pedantry to call a man Bartolo, who was never known as such in the only circles which made him famous. But for those who like his full name it is Bartolo Cecco Bonacursi da Sassoferrato.

the thought of the golden age, when Perugia gave law to the nations.

> Ille super cunctos toto celebratus in orbe,
> Quotquot habent aliquod juris ab arte decus,
> Bartolus, Astreæ datus olim munere ut essent
> Res hominum miseræ prosperiore loco.

Even when a later age finds hard of digestion his assertion that to deny that the Emperor is universal lord is probably heretical, it is with humility that his authority is questioned on a similar plea to the 'sometimes slumbering' of Homer. One author thought it needful to compile a harmony of his apparent inconsistencies; in the 'Concordantia Contrarietatum' of Carolus de Nicellis, 337 of such difficulties are resolved.

A Papalist writer of a later age [1] avows that his work is written for the benefit of those whose literature is limited or almost limited to the works of Bartolus and Baldus. If it was worth the while of a man who has the practical object of extolling the Pope's power to do this, it must surely be worth our while inquiring what sort of mind it would be that this exclusive devotion would produce. My contention is that it is the kind of mind which for two or three centuries, at least, say from Jean Petit to John Locke, discussed political and cognate problems on a basis which was primarily legalist, and secondarily canonist and scholastic. These remarks are purely tentative, and I fear that to lawyers they may seem either erroneous or trivial or both. But I am convinced that someone will have to make a serious study of the contribution of Bartolus to our world; and a brief paper may at least make suggestions.

How came it that it was sufficient to quote Bartolus, and in many cases to ignore his predecessors? Why was Albericus Gentilis able to regard him as the chief of the old lawyers, even though he quotes Baldus more often?

A perusal of the ordinary treatises (more especially the Continental, but our own Hooker affords an example) on the topics that line the borderland between politics, law,

[1] Thomas de Simanca in Roccaberti, *Bibliotheca Maxima Pontificalis.*

and theology will make it clear that there is a certain common element in which all discussion takes place. This atmosphere is compact of a peculiar amalgam of law strictly so called, certain general ideas which are expressed in the civil and canon law, and some common principles of ethical and theological reasoning. All this is responsible partly for the internal structure of the modern state everywhere but in England, and to some extent here.[1] It is avowedly the foundation of international law, while for a long time it had a great deal more to do with the methods and subjects of political speculation than those who live subsequent to Bentham and Rousseau are willing to admit. Now, Bartolus (for we may include Baldus who depends on him) is the channel, or one of the main channels, through which this stream of tendency flowed into the modern world. A brief perusal of the writings of Albericus Gentilis, both the 'De Jure Belli' and the 'Regales Disputationes,' will make this point clear; but a glance at Whewell's edition of 'De Republica,' Grotius, or Bodin would illustrate it. What is the reason of this? That is the first question we must try to answer, and then we shall see some of the more important characteristics of his work.

The reason of his influence is twofold—the old explanation, the man and the *milieu*. Born in 1313, the son of a lawyer, Francesco Bonacursi, he lived at the beginning of the age of transition in Italy, of course earlier there than anywhere else. The last flicker of imperial power which had given reality to the dreams of Dante was over. It was only ten years since Boniface VIII. had 'died like a dog.' The final victory of the Papacy (now at Avignon) over its imperial victims had been won. Bartolus was the very good servant of Charles IV., and had been on an embassy to win from him privileges for his adopted city and university of Perugia. The Italian cities had established their independence; the Papal and the Imperial authority were both very much in abeyance; and the age of the despots was approaching. The scholastic philosophy had taken its most authoritative shape; and with

[1] See particularly Maitland, *English Law and the Renaissance.*

the addition of the last 'extravagant' of the Emperor Henry VII. the Corpus Juris Civilis had attained its limit and become within its own covers nearly as strong a witness to the unity of history as is the Bible. The Sext had just been added to the Canon Law by Boniface VIII., and though the various collections of extravagants had not assumed their final form, the system was in all essentials complete. It is remarkable, by the way, that the best life of Bartolus should be by Lancellotti, a canonist himself of no mean repute, the author of 'Institutes of the Canon Law,' sometimes printed at the close of the Corpus. Moreover, Bartolus had a practical not merely an academic training. He had been assessor at Todi, where he was alleged (though it has been denied) to have incurred odium by over-torturing a youth; and also at Pisa; before he settled down to his lecture-room at Perugia, the city which was so anxious to retain him that it gave him and his heirs its freedom lest he should be bought up by another place, like a 'professional' of a different order.[1] This, then, was the situation. A practical no less than a theoretical training placed a man of commanding abilities at the head of his profession in the days when the Roman law was becoming daily more influential (except in England), but when the Emperor's authority was less than ever, and his subservience to the Pope extreme. The Italy of that day was rapidly developing those conditions which were to make the international politics of modern Europe find their models in the balance established by Cosimo de' Medici, and cause the political philosophy of the Renaissance to bow to its prince in Machiavelli. Tyranny was becoming both a fact and a danger, while circumstances tended to an amalgamation of both sides of the law of the empire, civil and canon. The terms Guelphs and Ghibellines had lost their own meaning and become the mere symbol of political partisanship, and are so treated by Bartolus—party spirit for legitimate ends being justified by the cry of St. Paul, 'I am a Pharisee, the son of a

[1] The documents, as also that conferring the doctorate, are printed at large in Lancellotti.

Pharisee.'[1] The world then in which Bartolus lived was in the transition stage. We must remember that the predominance of Roman law is rather a modern than a mediæval fact, the 'reception' in Germany is 1495. Hence it came about that any mind capable of that peculiar combination of scholarship and actuality which can at once distil the learning of the past and assimilate the facts of the present might easily preserve for future generations everything that was of living force in the period that was drawing to its close, and at the same time suggest some of the thoughts which should dominate the future.

Such a mind was Bartolus. He was 'the heir of all the ages,' and also in 'the foremost files of time.' First and foremost a Roman jurist, he was many other things besides. The law was to him not so much a pursuit as a passion. It was said that the whole civil law had been transformed into the very blood and sap of his being ; and he speaks of laws, dry and impersonal though they appear to us, with a real affection, as deserving letters of gold, good, &c., as one praises a good child ; in his discourse on his brother's doctorate he compares the noble edifice of jurisprudence to the many mansions of 'our father's house,' with room for many and various individualities.[2] Whatever problem he is solving, the question in his mind is always what is it legally right to do —and this even in cases where laws fail and you must go to theologians. Now this characteristic is at the root of the methods of political discussion right through the next four

[1] Note his derivation of the terms Guelph and Ghibelline.

'Sicut Gebellus interpretatur locus fortitudinis, ita Gebellini interpretantur confidentes in fortitudine, scilicet tempore militum et armorum ; et sicut Guelpha interpretatur "os loquens," ita Guelphi interpretantur confidentes orationibus et in divinis.' This is from the tractate *De Guelphis et Ghibellinis* which is really a treatise on civil factions and rebellion.

[2] In domo patris mei mansiones multæ sunt. . . . Hoc est civilis sapientiæ mansiones multæ sunt, quidam enim ad legendum in civitatibus regiis assumuntur, quidam ad advocandum in curiis principium et regiis attrahuntur, alii ad consulendum in cameris assidue requiruntur, alii ad consilium principium assumuntur. Hi enim sunt quibus Respublica regenda committitur. Istæ sunt hujus sapientiæ mansiones, propter quas quilibet Jurista securus et gratiosus redditur (Bartholus, *Sermo in doctoratu domini Joannis a Saxoferrato*, x. 223).

centuries, and is the explanation of much that seems to us ridiculous, alike in the theory of the divine right of kings, in the doctrine of the original contract, and in international law. The same notion is the vice of most systems of ethics, and is partly responsible for 'probabilism.' It is largely the determining element of the various attempts of the confessional era in theology to crystallise and 'jurify' the mysteries of God's providence and man's freedom. Now it is this fact which enabled Bartolus to assimilate and utilise all other sources of knowledge open to his time, and also to influence departments of his life other than the purely legal. He had the childlikeness of the true scholar, and the susceptibility to mental impressions of a mind that was ever alive. There is no sign of his possessing the æsthetic sensibilities that we associate with the Renaissance. We are told that he took his food by weight and walked with eyes intent, speculative rather than observant. His gaze was in fact inward, and he absorbed intellectual rather than artistic culture. In this respect he was a mediæval. Trained in the scholastic philosophy he had that habit of giving rational, even if erroneous, explanations of things, which will never be content with mere appearances. He supplies, for instance, philosophical grounds for all the colours of heraldry, thereby evoking the ridicule of Lorenzo Valla, who can see no value except that which meets the eye.[1] His style may be, what the Renaissance scholar calls it, rather rustic than classical, less Latin than barbarian ; but it is a style eminently sincere, direct, and expressive. Whether the laboured pedantry of Renaissance classicism was altogether an improvement may not be quite so certain as Valla thought.[2]

The fact is that one of the results of the Renaissance has been to substitute journalistic impressionism for reasoning

[1] Compare such books as Blackwood's *Apologia pro Regibus*, or, still more, the stilted pedantry of the polite oration in favour of Mary Stuart published in Teulet's *Relations Diplomatiques*, and see on the whole subject Creighton, *The Early Renaissance in England*.

[2] Valla's treatise is a little letter on the subject published as an appendix to the *Apologia*, which he wrote to secure himself against the charge of heresy.

and thought. This is true, even of Erasmus and Luther. The scholastic philosophy may deserve much that is said against it, but it did make its votaries educated men and not mere 'pickers-up of unconsidered trifles.' All this is illustrated by Bartolus. The extent to which he had assimilated the teaching of St. Thomas is shown by his treatise 'De Testibus,'[1] also by the work I have already mentioned, 'De Insigniis et Armis.' The latter is said by its German editor Hauptmann to be the earliest extant treatise on heraldry. It is very interesting to compare it with Valla's criticism, for they represent the clash of two worlds, and no mere personal difference. Bartolus sets forth the principles of heraldry and tries to determine a philosophical significance for every colour and every sign. Valla scoffs at the Latin, ridicules the notion of finding any meaning in the colour, such as gold representing the sun, the noblest of all colours; and demands what need there is of any order beyond that of mere caprice and individual taste. His words might have been written by a scholarly Englishman of the eighteenth century, who liked good Latin, but to whom the bare idea of meaning in gesture or form was distasteful. In their dislike of all regulations they breathe the same spirit as Rabelais's vision of the Abbey of Theleme. Bartolus was perhaps too apt to find the universal in every particular, like that later philosopher who found the Idea incarnate in the constitution of the Prussian State. But at least he had a careful and reasoned view of things as a whole, and was not led astray by the cleverness which mistakes the novel for the true, and kills individuality by an excess of individualism. This little treatise illustrates another trait of the author, his *naïf* interest in himself. In order to illustrate his views about the quarterings on the shield in a coat of arms, he introduces a personal incident. The question is about the meaning of the left or the right side of the shield. He tells us of a dispute he had with the Jew who once taught him Hebrew.[2]

[1] See especially the passage about Prudence. It is noteworthy, by the way, that he declares expert witnesses to be really judges rather than witnesses proper.

[2] § 29, pp. 22–3.

Bartolus had declared that the Jews must be barbarians, because they wrote 'strange characters from right to left,' and repeats the whole discussion about the effect of reading on the eye. In the same way he constantly introduces personal touches to illustrate the most abstract theme. Speaking of the Roman law of emancipation of children, he explains how a certain friar Peter of Assisi had a school for foundlings at Venice, and often made it a condition of giving up these 'boarded-out' children that they should be actually adopted. This man he tells us was his first teacher and was of great piety. He owed him a debt of gratitude, for he taught him so well that at the age of fourteen he was able to learn civil law from Cino da Pistoia. Here he made such progress that he was able to go to Bologna and get his doctorate in his twenty-first year. Then he adds one of those touches which help us to stretch hands across the ages: 'Ex multo amore quem ad illius fratris Petri bonitatem gero, cum calamus hoc scribit, cordis oculus lacrymatur.'[1] I do not think anyone can read that for the first time in its place without loving the writer. How different from Wyclif, the most disagreeable beyond exception of all mediæval thinkers! Other touches come in at times: the 'De Insigniis' is written partly at least, as he says, because he had received from Charles IV. the right to bear arms. He tells us what they are—a *lion rouge* on *or*. He writes his treatise on the *Ad reprimendum* of Henry VII. in honour of his grandson, who made him what we should call a Privy Councillor, and granted him and all his heirs who were doctors of law the right to legitimate bastards. He spent a summer holiday at Tivoli, and this is the origin of his treatise 'De Alveo et Flumine.' Whenever any law can be illustrated by a present fact or a case in his experience as judge he tells it—*e.g.* the state of parties in Todi, where it was the custom to put Guelphs and Ghibellines in equal numbers on the council. To illustrate

[1] vi. 53. I quote throughout from the Lyons edition of his works, 1547. This little touch brought harm to Bartolus. In consequence people said he must have been himself illegitimate.

the power of the Emperor before coronation he relates his embassy to Charles and quotes the words of the charter he issued to Perugia. On the subject of banishment he speaks of the banished 'of our time' when every city had its exiles, and proves that they lose civic rights only, not the common rights of Roman citizens. Common law means, of course, to him, here and always, Roman law; the idea of national law being 'common' would have seemed a contradiction. His treatise on reprisals, which had much to do with international law, was written to suit the actual facts of Italy. So with the work on the *tyrant*, written to point out, and if possible obviate, a very real, immediate danger. All this illustrates the freshness of his mind, and its constant attention to practical needs, even amid abstruse legal reasoning. His method, on the other hand, is the dialectical one of St. Thomas, to state opinions on both sides with authorities, and then give his own. This method has the great merit that it enables a man to use his selective powers, without mere aiming at eccentricity, and that it prevents him, as a rule, overlooking considerations of importance. Lorenzo Valla may scoff at it, but as a means of reaching the truth, especially in legal matter, it is infinitely superior to the slipshod literary brilliancy which came in with the Renaissance, and has been on all non-scientific subjects steadily gaining ground from the days of Æneas Sylvius to those of Mr. Richard Le Gallienne.

Here, then, is the man so far as I can see him. A born student with a child's delight in his subject and in himself, but a man's intellect—a spirit alive with all the tendencies of the time, which had in them anything analogous to legal questions; a mind trained in the scholastic philosophy with a faith in its method and desire for rational explanations; a memory in which facts, personal, political, legal, stuck, observant of all existing political facts and discerning tendencies only beginning—essentially an 'intellectual,' yet without conceit, but not without vanity, with a strong grasp of the practical aspect of abstract reasoning, and no desire at all merely to weave metaphysical cobwebs; a mind alert, vivid, with an

imagination indeed, but one occupied not about beauty of form or colour, but about law and government. Such a mind was eminently fitted to sum up in itself the long ages of legal development, and to suggest the lines of future advance.

II

Now let us try and estimate the actual contribution of Bartolus in this respect.

Bartolus may be described as an Imperialist—with a difference. That difference it is which made his views so influential in the future. At first sight he holds the theory of the world-monarchy of the Emperor as absolutely as Bozius held it of the Papacy. The Emperor has all laws *in scrinio pectoris* of course ; Imperial laws are the only laws which are universal ; all else are merely particular facts. All rebellion may be condemned, because kings are really Imperial officials. Even the kings of England and France, whatever they may say, are subjects of the Roman Empire; it is (probably) heresy to doubt the universal lordship of the Emperor, and for that reason is only natural in Jews or Saracens or Greeks. *Quod principi placuit legis habet vigorem* is of course true, though it is decent to consult people. On the *digna vox* he admits that the Emperor is under the laws, but by self-imposed compulsion, not necessity, although he is bound to keep treaties with cities, because *pacta sunt de jure gentium.* This latter is the notion which both gave significance to the idea of the original contract and also enabled Grotius to found his system. He clearly holds the usual maxims that whatever the sovereign permits he commands, and sovereignty is inalienable.[1]

[1] This is the most important passage on the subject :

Duo sunt genera gentium principaliter, primo populus Romanus, secundo populi extranei. Circa primum quæro quis dicatur populus Romanus. . . . Diceres tu : cum modicæ gentes sint, quæ Romano Imperio obediant ; ergo videtur, quod sit parvus populus Romanus. Respondeo, quædam sunt gentes, quæ Imperio Romano obediunt ; et istæ sine dubio sunt de populo Romano. Quædam sunt quæ non obediunt Romano Imperio in totum, sed in aliquibus obediunt ; ut quia vivunt secundum legem populi Romani, et Imperatorem Romanorum esse dominum omnium fatentur, ut sunt civitates Tusciæ, Lom-

But—and here comes in the *positif* quality of Bartolus' mind—law is one thing and fact is another. In the first place writing in Papal territory he has no doubt of the Pope's final supremacy; the people have no power now, however much the *lex regia* originally reserved to them; the electors alone elect, and *the Pope alone can deprive*; the Pope has only transferred authority to the secular prince.[1] The Pope is above the civil law. Any law that makes other folk more audacious or the clergy more timid is *ipso facto* invalid (what a pity it isn't so now!).

bardiæ et similes; et isti etiam sunt de populo Romano. Nam cum populus Romanus in eis exerceat jurisdictionem in aliquo articulo totam jurisdictionem retinet. . . . Quidam sunt populi, qui nullo modo obediunt Principi nec istis legibus vivunt, et hoc dicunt se facere ex privilegio Imperatoris; et isti similiter sunt de populo Romano: ut faciunt Veneti. Nam cum illam libertatem ipsi habere se dicant ab Imperio Romano, et privilegio quodam modo precario tenent ab eo, et posset privilegium illud revocare, quando vellet; cum ei liceat mutare voluntatem suam. . . . Quidam sunt populi, qui non obediunt principi tamen asserunt se habere libertatem ab ipso ex contractu aliquo, ut provinciæ, quæ tenentur ab ecclesia Romana, quæ fuerunt donatæ ab Imperatore Constantino . . . adhuc dico istos de populo Romano esse. Nam ecclesia Romana exercet in illas terras jurisdictionem, quæ erat Imperii Romani, et istud fatentur; non ergo desinunt esse de populo Romano; sed administratio istarum provinciarum est alteri concessa. . . . Jurisdictio in clericos est concessa totaliter Papæ, desinuntne propter hoc clerici esse cives Romani? Et idem dico de istis aliis Regibus et principibus, qui negant se esse subditos Regi Romanorum; ut Rex Francie, Anglie, et similes. Si enim fatentur ipsum esse dominum universalem; licet ab illo universali dominio se subtrahant ex privilegio, vel ex prescriptione, vel consimili, non desinunt esse cives Romani, propter ea quæ dicta sunt et secundum hoc quasi omnes gentes qui obediunt sanctæ Romanæ ecclesiæ sunt de populo Romano. Et forte si quis diceret dominum Imperatorem non esse dominum et monarcham totius orbis, esset *hæreticus* (*De Captivis et Postliminio*, vi. 237).

[1] Primo fuit imperium Babylonis. Secundo fuit imperium Persarum et Medorum. Tertio fuit imperium Græcorum. Quarto fuit imperium Romanorum. Ultimo adveniente Christo istud Romanorum imperium incœpit esse Christi Imperium; et ideo apud Christi vicarium est uterque gladius, spiritualis et temporalis. Christus enim est Lapis abscissus sine manibus cujus regnum non dissipabitur de quo prophetam Daniel. . . . Dico ergo quod ante Christum Imperium Romanum dependebat ab eo solo; et Imperator recte dicebatur, quod dominus mundi esset, et quod omnia sua sint. Post Christum vero Imperium est apud Christum et *ejus vicarium* et transfertur per Papam in principem secularem (*Tractatus super 'Ad reprimendum,'* x. 91). There is a passage in some sixteenth-century writer—I think François Hotman, but cannot give the reference—which asserts that Bartolus had no real belief in the Papal right, but *plane ludit* saying himself it was only because he was too near Rome to deny it.

A text of the Decretale is as good an authority to cite as one from the code. He proves that an oath to alienate any part of 'regality' is invalid by a quotation from Innocent III in the Decretale. Elsewhere sufficient authority he finds in a gloss of Innocent IV on a text of the Decretale.[1] His treatise on the differences between civil and canon law is in no sense a treatise on the laws of two societies, but rather a disquisition, only less acrimonious—like that on the rules of the civil and military departments of India. Any one subject to the Church is in a sort a member of the Empire—and everyone who, willingly or not, uses its law. The truth is that the code as crystallised by Justinian is not an ancient or merely secular document—it is post-Augustinian, and the conception in it of the place of Christianity is eminently mediæval. The Holy Roman Empire was in fact the creation of Justinian even more than it was of Charles the Great; and later Papalists are able to make great play with the ecclesiastical provisions of the *civil* law; and, indeed, this is doubtless the reason why Bartolus tells us that even at Rome there were more legists than canonists. I do not mean that Justinian's views were Hildebrandine, but they were mediæval, and the law of the Church is a part of the law of the Empire. Church and State are not separate societies, but the same community is one or the other according to the point of view, and there are of course special laws for one class—the clergy.

All this goes to show how Bartolus made straight the path of his successors. By treating the Papal and Imperial laws as parts of one system, and making the civil law a sort of ideal (often contradicted by facts) he paved the way for those who in a later age were to treat of laws in general, natural, ecclesiastical, civil, all as part of the one State; and, while they acknowledged the supremacy of the civil law as a norm or ideal, found no difficulty in tempering it either by particular statutes or the principles of the canonists and theologians. The com-

[1] It is to be observed that to Bartolus the Decretale is still known as merely a body of 'extravagants.'

mentaries of the civilian Bartolus are the condition of those treatises, mainly Spanish, of the sixteenth century, of writers like Soto, Navarra, or Covarruvias ; or, to quote the best known example, Suarez. What they made into one system Bartolus foreshadowed by his mode of treating the Corpus Juris Civilis.

But this is not all, the Pope is not the only fact in the lawyer's universe. There are the States, more especially the Italian cities. Here Bartolus makes the great distinction which Gierke himself declares to be of such importance in paving the way for the modern doctrine of sovereignty. He divides his States into those which do and those which do not as a fact recognise a superior. Law may be with the Emperor, but fact is with the cities ; consequently even Imperial laws do not abrogate their statutes, because they are merely facts, and the Emperor is presumed to be ignorant of facts.

Since, moreover, these facts exist, in such places the whole sovereignty is *imperialiter* in them, as our own Richard II thought ; yet Bartolus was a true Italian, and never worried about the ultramontane, barbarian peoples. It was of Italian cities that he was thinking. This was the origin of his treatise on reprisals [1] written expressly to consider conditions in which States were *de facto* independent, and resting therefore, as he says, rather on divine than positive law (whether civil or canon). That treatise had a good deal to do with the development of international law, and a perusal of it along with Albericus Gentilis or Grotius will show how this was the case.

Thus, then, Bartolus qualified the purely legal character of the civil law by insisting on its wider aspects. At the same time

[1] Represaliarum materia nec frequens, nec quotidiana erat tempore quo in statu debito Romanum vigebat Imperium, ad ipsum enim tanquam ad summum monarcham habebatur regressus, et ideo hanc materiam legum doctores et antiqui juris interpretes minime pertractaverunt. Postquam vero peccata nostra meruerunt quod Romanum Imperium prostratum jaceret per tempora multa, et Reges et principes ac etiam civitates maxime in Italia, saltem de facto in temporalibus dominum non agnoscerent, propter quod de injustitia ad superiorem non potest haberi regressus, cœperunt represaliæ frequentari et sic effecta est frequens et quotidiana materia (*De Represaliis*, x. 117).

that he treated of all questions on a basis largely legal, he prepared the way for the civil law to become the received jurisprudence of most countries by showing it to be *de facto* independent of the Emperor. He combined it with the canon law and the scholastics in his commentaries and paved the way for the universal systems of the sixteenth century out of which grew both modern politics and international law, while he definitely recognised the actual attributes of territorial sovereignty wherever they existed as a fact.[1] Thus he helped forward the assumption of the family of states independent, self-sufficient, yet recognising the common *jus gentium* which is the foundation of modern Europe.

Two only of his special treatises need be mentioned. The work 'De Regimine Civitatis' is written, he says, because the *universales domini* often ask the opinion of lawyers or Government; and though the *universalis dominus* has changed, the sovereign people seems still to do the same. It is written for lawyers, and though well aware of the views of Giles of Rome and Aristotle he will take nothing for granted, but test their opinion by the law and give his view. What is remarkable is the sanity of his judgment and desire to stick to his facts. He agrees that monarchy in idea is the best form of government, but we must consider place and circumstances. Unity, its great aim, must not be sacrificed to justice. Like all true libertarians he puts character above efficiency. The pursuit of the latter as its own end always leads straight to Machiavelli. He argues that we must consider, not abstract principles, but the probable effect of government on the citizens. States are of three sizes: a small city cannot afford a court without oppression, and ought to have a direct democracy—or rather the democracy should delegate power to officials. He knows nothing of a representative assembly. It is worthy of note that practical experience of the evils of

[1] *Equiparatio jurisdictionis ad dominum*: Si princeps concederet tibi universaliter unum territorium, videtur tibi concedere universaliter jurisdictionem; quia sicut ille qui concedit rem singularem dicitur dominium rei singularis concedere, ita ille qui concedit universale territorium, videtur concedere jurisdictionem, quæ est idem quod dominium alicujus rei particularis (i. 53).

excessive taxation and tyranny in a small city should be the real ground of this opinion. The second class of cities, with some territory beyond, like Venice and Florence, should be governed by an aristocracy who will combine fair administration with the knowledge only acquired by a governing class. The third class, or country states, as we should call them, require a monarch. He prefers election to succession, as being *magis divinum*, for the heart of electors is in the hand of God (would he say so now?); otherwise unity will be impossible, and rebellion will become inextinguishable. This is clearly the way in which facts reflected themselves in the writer's mind. The larger states, every one of them, only acquired unity by going through a period of despotism: Venice remained for ages a splendid example of a ruling aristocracy; and where the single cities fell into the hands of a tyrant, they endured the evils of pure monarchy with few or none of its advantages. It has been said that in this doctrine of the relativity of political theories Bartolus was in advance of his time and had little influence, and that Montesquieu was the first who took up the same notion.[1] But I think that Savonarola had it, for he argues that while monarchy is the best form of government, as is proved by the Papacy, for Florence a democracy is the only way to secure justice; nor are there wanting other writers who are by no means exclusive in favouring one form of government. Indeed, one of Bellarmine's arguments for the Papal power was that Aristotelian arguments that might do for a city state could have no reference to what was in reality an empire. Machiavelli himself was really a republican, and only desired a prince as a saviour of society. At the same time, it is doubtless true that Bartolus differed from most writers (like St. Thomas) of his own or succeeding days in regarding circumstance, history, and size as of more importance in fixing the form of government than abstract reasoning and ideal perfection. But one thing is clear, he feared tyrants in the Italian cities.

[1] Cf. C. Salvemini, *La Teoria di Bartolo da Sassoferrato sulle Costituzioni politichi.*

Probably his treatise 'On Tyranny'[1] was the best known of his works to all but specialists. It is remarkable for what it omits no less than what it contains. Unlike the numerous writers of the next centuries, he does not discuss how far resistance to a tyrant in defence of religion is allowable; for he is concerned with tyranny in places at least nominally subject to the Emperor or the Pope. There is therefore in appearance none of the originality or brilliancy which startles the reader of John of Salisbury two centuries earlier, or the audacity of Jean Petit nearly a century later. Yet for all that Bartolus' tractate was of great influence; for it fixed the method of discussion for a couple of centuries. He introduced the great distinction, *not* to be found in St. Thomas or earlier writers, between the *tyrannus ex titulo* and the *tyrannus de exercitio*. The former is the usual Greek tyrant who gets power without the laws. But Bartolus, as always, was concerned with facts, and wanted to point out the actual danger of tyranny under the forms of law, whether it be mere despotism or oppression. He feared alike a Cosimo de' Medici and an Eccelin Romano. Consequently he dwells much on the point that tyranny has many disguises, and points out its various forms. It is, by the way, notable that the suppressing *congregationes etiam licitæ* is one of these. These evidences of the tyranny, and still more the two kinds of tyrant, are the commonplaces of discussion for three centuries; and Albericus Gentilis recognises this in one place. It is noteworthy that Bartolus decides that a tyrant *absque titulo* is guilty of treason as offending against Lex Julia de Majestate, while a tyrant *de exercitio* falls under the Lex Julia de Vi Publica.

Can this have any reference, remote and indirect, to the temper of mind which condemned Charles I for treason against his people? At any rate Bartolus' view of a tyrant as to some extent a rebel—of course against a 'prince'—must be taken in connection with his treatment of rebellion and declaration that a rebel may be killed at sight without process of law. This occurs in the tractate on the *Ad*

[1] On the whole history of the treatment of tyranny cf. Lossen's valuable lecture.

reprimendum of Henry VII, and must surely have had to do with the views of Jean Petit. The latter held, as we all know, that a tyrant—by which was meant a traitor—might be killed by anyone; and this view was condemned by the council of Constance. Now, though Jean Petit says distinctly he is not a jurist, and omits to quote Bartolus as an authority, it seems almost certain that the great authority of the latter and the general influence of his views must have had a real if unconscious or at least indirect effect on the mind of Jean Petit.[1] However this may be, there is no doubt that one chief point in that great discussion which filled the sixteenth century, what must be done with a tyrant, turned upon Bartolus' distinction between the man who was legally a usurper and the king who was actually an oppressor, and that later writers consciously depend on him. Further he must have the credit of foreseeing and desiring so far as possible to ward off the danger of that age of the despots in Italy from which not all its culture can ever remove the stains of cruelty and corruption. Moreover, Bartolus saw the evils of the ungoverned state of Central Italy with the Papacy at Avignon. He deplored the multiplicity of tyrants in Rome, formerly the best, now, alas! the worst governed city in the world. He saw with a reflecting eye the evils of his day rampant or incipient. He distrusted the attempt to lay down purely abstract systems of politics which has been the besetting sin of reformers from the days of Dante, who had just written the swan-song of the empire, to those of Rousseau or Karl Marx. He demanded practical remedies, by which he meant, not mere rule of thumb, but forms and measures of government carefully thought out with a view to actual and historical circumstances. He had no illusion about schemes of perfect justice and freedom, but desired those which under particular conditions would, judging by probability, have the best normal effect on human life and character. He is thus removed at once from the system-monger and the Machiavellian. Neither

[1] Jean Petit's writing and the relevant discussion fill a whole folio volume of Dupin's edition of Gerson's works.

abstract reason nor a conscienceless saviour of society came within his view; yet he knows that without intelligence human affairs will fall into confusion, that the sentiment of philanthropy is not enough; and he is aware, like Machiavelli, that circumstances alter cases, and desperate conditions may require desperate remedies. He is the type of the sane reformer who considers and reasons upon facts; for Machiavelli's own doctrine, so positive in appearance, if rigidly interpreted, becomes, and indeed became, only another system, that of 'reason of state' supplanting conscience and abolishing law, both natural and civil.

It is, however, by a *jeu d'esprit* that many people have known Bartolus best, the title is 'Processus Satanæ contra Divam Virginem coram Iudice Jesu.' This once famous work is a specimen of that mediæval humour which is to us both grotesque and unintelligible, and at times seems almost blasphemous. The little book is the supposed account of a trial with Christ as Judge between Satan and the Virgin Mary. Satan demands the condemnation of the human race, and the Virgin defends and eventually secures acquittal. The piece, as fooling, appears very poor. It illustrates, however, the way in which the Virgin had entirely supplanted Christ, to the mediæval mind, as the real mediator; for our Lord appears as Judge merely. It also illustrates the way in which the rules of the civil and canon laws are treated as equally binding authorities, and of course the forensic view of the Atonement, which perhaps reaches its limit in this piece. There is an interesting citation of the famous text 'Quod principi placuit legis habet vigorem.' The Judge has fixed a Wednesday for the hearing of the case; to this the Devil objects, as being a *dies non*. But he is told that the prince is above the rules of law, and on the doctrine of imperial pleasure the date is retained.

But is this tract Bartolus' work at all? It is printed so in all collections. But an editor in the seventeenth century denies the fact. And although Savigny in his extremely unilluminating account of Bartolus appears ignorant that the

authenticity has been questioned, I think that it can hardly be genuine. Goldast points out that the date alone (1311) makes the attribution to Bartolus impossible; for he was not born till 1312, although many authorities make him earlier. This alone is not conclusive, for nothing would be easier than for a couple of X's to slip out in the manuscript, and he might easily have written it in 1330. If he did, we may feel that at any rate the quality of undergraduate squibs has improved since the days of Bartolus. The same writer also points out how the mistake occurs; which he says was due to interpreting the letters BAR as Bartolus, whereas it really meant Andreas Barbatius. The objection to this is that Barbatius appears to have been later still in date, though there may have been one earlier. So far as internal evidence goes, it seems to me against Bartolus; the whole thing is thin and jejune and pedantic; it neither has the gravity nor the sense of reality nor the freshness and vitality which occur in his other work, and it seems to me altogether the work of an inferior mind. This of course is not conclusive—the minds of students and of some who are not students were very much inferior when they were undergraduates to what they became afterwards. At the same time I think the balance inclines slightly to the negative side.

There is one more interesting piece of higher criticism in regard to Bartolus. This comes from the pen of I. P. Lancellotti. He, too, was a Perugian of the sixteenth century, and he is concerned to defend his countryman Baldus from an unmerited slur. The story is of this kind. On one occasion Baldus and Bartolus had a dispute on a point of law. The latter cited a particular passage of the Code; Baldus alleged that it was a misquotation. Bartolus, whose memory was like a phonograph, felt sure he was right, and recourse was had to a copy. This confirmed Baldus to the great discomfiture of the older man. But he was not so easily to be done. He felt so certain of his recollection that he suspected foul play, and accordingly sent or went to consult the original MS. at Pisa. He triumphed, and was able to show that Baldus had been

tampering with the MSS., merely to secure a dialectical victory. Thereupon Baldus was flogged, some said on the nose, others said elsewhere; others in effigy; others that Bartolus begged him off. At any rate, Baldus alluded to it in his own writings, for in commenting on the law he used the words 'Propter hanc legem ego fui factus episcopus.' This alluded to the habit of putting on the floggee a cap something like a mitre. Lancellotti subjects this story to a criticism which for lucidity, persuasiveness, and weight might be the work of Dr. Driver or the Bishop of Ely. He points out how many discrepancies there are in the story of the flogging; how difficult it must have been to tamper with all the MSS. in so large a university as Perugia. He adds that had Baldus been so humiliated he would be unlikely to have spoken in such constant terms of praise of his master whenever he mentions him. Two passages in which he seems to take a more hostile line are examined and explained—for nobody ever supposes he held the same legal views on every question. Lastly Lancellotti relates how he met someone in Rome and defied him to find the above-mentioned passage in which Baldus cryptically related his misfortunes. This friend declared it to be well known, but after long searching gave up the task as vain. Then he points out how Bartolus did have a dispute with someone over a point, and they both agreed with no *arrière pensée* to go to Pisa and consult the original —only there was no forgery, no flogging, and no Baldus in the matter. The intellectual power and ingenuity of this criticism and its thoroughness are far in advance of the age or of the importance of the actual subject. But they are perhaps worth noting.

Yet the world to which such things could matter has long vanished. Arid indeed seem to us the controversies of men who are barely names. 'Dust and ashes, dead and done with,' the matter of the charge, the subject of the dispute, and the doctored antagonists. We hardly care to imagine that crowded lecture-room which Bartolus one day declared to be empty because his real audience, Baldus, was absent;

nor does it interest us to be told that once the pupil so browbeat the professor that he had to take a day to consider the point, being unequal to immediate reply. He whose fame filled Europe with its echoes has not now even his collected works at our great university libraries. Gone are the law-schools of the middle ages—gone, it seems, more than their architecture, their religion, or even their dress. The world of ideas in which they lived seems strange to us; nor can we conceive it needful for a lawyer even to consider the question of what were the property rights of Lazarus when he rose from the dead.[1] Bartolus' treatment of this is, I should say, another reason against his having written the 'Processus'; the tone is quite different. It is hard for us to gain even a mental image of that mind, so eminently *doctus in utroque jure*, which held in its grasp the scholastic theology, the civil and canon law; which quotes Justinian, 'De Summa Trinitate et Fide Catholica,' to prove that gold is the highest colour in heraldry, and surveys the affairs of the whole human race from a standpoint at once more and less juristic than that of the modern lawyer. For when everything is seen under legal forms, the notion of law is itself wider and more universal than that of modern legalism. If you narrow theology and refrigerate ethics, you humanise law by the process. The point is that Bartolus, in spite and perhaps because of our having forgotten him, is alive in the world of to-day, alive in its international code, in its notions of territorial sovereignty, and the tone of political discussions at any rate but recently ended. To influence the modern world the apparently closed system of the civil law had to develop and embrace fresh elements. Like the Roman Church the Roman law is *semper eadem*. But the law, like the Church, in Newman's phrase, 'changes that she may remain the same.' One of the chief minds which helped in this necessary development was that of Bartolus: he helped to make it possible to 'receive' the civil law, and while

[1] As a matter of fact, Mr. H. G. Wells in *When the Sleeper Wakes* does consider a very similar question.

acknowledging allegiance to the ancient world to adopt more or less unconsciously much that was of Christian and mediæval origin; he influenced the political Renaissance of Europe, and he helped to make it a true development, even where it was disguised under the form of a revolution. I do not say that his work was always beneficial, or that freedom did not, as Stubbs says, suffer in all places and at all times by the Roman law; indeed some of our dangers to-day arise from a conception of societies and of the individual, which is abstract and Latin instead of Teutonic and real. But, at any rate, the world did so develop, and Bartolus was one, if not the main, link in the chain of causes.

How far his mind was great or truly original let others say, more skilled in law. But I am sure that he is one of those minds which help to carry over to one age the thoughts of another, and transmit by transmuting the intellectual heritage of their day. And so he unites us both to the world he lived in and to the law he interpreted. He speaks to us from kinship with the schoolmen on the one hand and the Cæsars on the other. He helps us to see how the bed of that river Tiber, on which he once discoursed, has carried along with its soil the hopes and the thoughts and the dreams of men for longer than we care to think of. Even England could not quite escape the influence of Roman law; and even Roman law could not remain merely Roman or purely legal, and these two facts are the key, not indeed to the reality, but largely to the form of the intellectual world even of to-day. In the structural development of society and the fundamental topics of human discussion there has been more continuity than in outward history; and despite all their differences the thoughts of men form a more living unity than their empires or even their roads. Bartolus may or may not be interesting, or great, or important; but I am sure that he is significant. I am sure that it is by trying for a little to think his thoughts we shall be better able to know ourselves.[1]

[1] The Lyons edition ends with a colophon with the device Γνῶθι σεαυτόν, while each volume begins with the lion among bees 'de forte dulcedo."

THE BEGINNINGS OF THE CISTERCIAN ORDER.

(ALEXANDER PRIZE ESSAY, 1904.)

By W. A. PARKER MASON, M.A. (Oxon.).

Motto.

'O Cistercium, quam magna est domus tua.'—RICHARD, Archbishop of Canterbury and legate: *Ep.* 96.

IN the eastern part of the Duchy of Burgundy, in a region which now forms the southern portion of the Côte-d'Or Department, lies Cîteaux. The country around, after gently sloping from the hills on which Dijon stands, some four or five leagues to the north, here expands into a rolling plain formed by the basin of the Saône, and not far away southwards there is the junction of this river with its tributaries, the Doubs and the Denthe. The Côte-d'Or hills to the north-west protect it from some of the more violent storms, and under their shelter and through the congenial nature of the soil has grown up the great vine-growing industry of the district. Around Cîteaux in old days the country was wild, marshy, and a tangled mass of scrub, and even to-day the soil here is marshy, and there is an abundance of pools. The name itself shows the nature of the place: in its older form Cisteaux, or Cistercium, it seems to be derived either from Cisternæ,[1] which Du Cange explains as 'a marsh with stagnant pools'; or from Cistels, as the Bollandists[2] give the form of the word; or Citeals, which is

[1] This is the derivation of Guillelmus Paradinus, as quoted by the Bollandists, *l.c.*, and Henriquez, *Menologium*, p. 91, in the description of the Belnensis ager (*i.e.* Beaune) 'in agro visitur Cistercium à Cisternis, Odonis Ducis opus stupendum in vastissimo nemore.'

[2] April, vol. iii., 666, B; 673, E (ed. 1866).

the form of the word preferred by Courtépée,[1] with a variant Cisteauls. These last are explained as old French words meaning marsh rushes. Whichever be the correct derivation, the fact pointed to is the same ; the word itself shows the swampy, unpromising nature of the country. But here was to spring up the mother-house of one of the greatest and most powerful of the religious orders of the Church, which some of its adherents could claim to have been the mother of 10,000 dependent houses, 4,000 male, and 6,000 female, by the seventeenth century.[2]

But both the situation and the circumstances of the district were in reality very favourable to the spread of a growing order. For in the eleventh century it was almost at the very central point of Christian Europe of the Latin obedience, and so admirably situated for a rising order. Again, the dukes of Burgundy were an energetic and widely connected race, and kept the country under their rule in good order, for the times, and free from external invasion. As vassals they would, of course, have more or less close dealings with their suzerain, the King of the French, while their family connections would bring them in contact with Spain and Portugal, where they were to be the ancestors of royal lines, with the county of Nevers and with Germany. It may, however, be safely assumed that such considerations were far from the minds of the original founders of the monastery at this place. Their sole object was to acquire a site, far from the haunts of men, where by undisturbed prayer and meditation, apart from the temptations of the world, the interior life might be developed, and the assaults of temptation successfully met and repelled.

Before describing the actual foundation of the house it is necessary to detail the reasons that led the founder, Robert, and his companions to undertake the task at all. Robert was the son of noble parents, Theodoric and Ermengarde,

[1] *Description du Duché de Bourgogne*, vol. ii. (ed. 1847).

[2] Henriquez, *Menologium*, p. 91. Paradinus only claims 1,800 houses for the order, much to Henriquez's disgust.

and was born about 1017.[1] Like so many of those who are to be canonised in after days, he had a wonderful youth, at fifteen years of age being the most learned scholar of his age—at least so says the life of St. Robert given by Sirius.[2] But, soon after, he took the regular habit at the Benedictine monastery of St. Peter de Cella,[3] in the diocese of Troyes. Here, after a long period of saintliness, he was elected prior. The story of his holy life spread: it would be profitable, both spiritually and temporally, to a house that could obtain him as abbot. So the monks of St. Michael of Tonnerre[4] elected him abbot. At the same time some hermits[5] had sent a deputation to ask him to become their chief pastor: this latter call appealed most to himself, but the monks of St. Michael had their way. Here Robert, always seemingly of a reforming disposition, found much amiss from his point of view, and tried to amend matters. But he proved unable to maintain discipline, and so returned to his old abbey of St. Peter. Soon, however, the priory of St. Aigulph,[6] a dependency of St. Peter de Cella, chose him as its prior. But the hermits, having learnt that he was free again, had determined to obtain him as their superior; they applied to the Pope, and by his orders the abbot of St. Peter bade Robert accept their call. So he went with them to their settlement at Collan,[7] and there set to work to instruct them in the Benedictine rule. The numbers, however, soon grew; the

[1] Bollandists, *l.c.*, 663, B.

[2] The chief source is the life given in Sirius on April 29, p. 279 ff., and was perhaps written by the order of Odo of Molesme, though it has been manipulated by Sirius in the way of omissions and corrections of diction. See also Bollandists on April 29.

[3] The full title was Monasterium Cellense Beatæ Mariæ de Pratis or Mon. S. Petri de Cella. See the *Gallia Christ.* xii. 538.

[4] Robert was the sixth abbot, *Gallia Christ.* iv. 613-14; the 'Sanmarthani Fratres' call him the third.

[5] See the whole account, in Sirius, of the two brothers, their quarrel, repentance, etc.

[6] Near Provins, in the diocese of Sens. See the document in *Gall. Chr.* xii., Instr. 251.

[7] Collanus or Colannus, in the canton and arrondissement of Tonnerre (Yonne) (Petit, *Ducs de Bourgogne*, i. 217).

original seven became thirteen, and the place grew too strait for them. So a move was made to the wood of Molesme, and here a house was dedicated 'in honorem Beatæ Mariæ' in the year 1075.[1] Here they were in dire want for some time, but finally their faith was rewarded: their numbers began to grow, prosperity came, and rich donations flowed in from the wealthy and powerful.[2] Then laxity crept in. Robert again proved no disciplinarian, and retired to Haur,[3] a retreat where he would have time for prayer and meditation.[4]

[1] Dec. 20, say the Bollandists, *l.c.*, 663, E. On a tablet at Molesme the date is given; quoted *Recueil des Hist. France*, xiii. 724, note; so, too, Baronius, from an unpublished extract of Gaufridus a Collone.

[2] In about twenty years the monastery possessed as many dependent priories or cells, and by 1110 there seem to have been as many as forty priories attached to Molesme. See the elaborate list with references in Petit, *Ducs de Bourgogne*, i. 241–2.

[3] Haur or Hauz. It is called Aurum by the Bollandists. See Mabillon, *Ann. Bened.* v. 385.

[4] This first retirement of St. Robert from Molesme has been questioned, but merely from its similarity to his retirement to Cîteaux. In itself it is quite probable, and the following considerations support it: (1) In Hugo's letter to the Bishop of Langres, providing for Robert's return to Molesme, provision is made for the abbacy being secured to the interim abbot, Gaufredus, 'si deinceps eandem ecclesiam solita levitate [Robertus] deseruerit,' the 'solita' showing that Hugo would not be surprised at a subsequent retirement on some other occasion, as on several in the past. (2) The Pope ordered his return from Haur to Molesme. This surely explains the journey of Robert to Hugo, the Papal legate at Lyons; he had been ordered by the Pope to return to Molesme; if he wished to leave it again, he must get Papal authority for his proposal. Otherwise there was no need to apply to Hugo. Papal and episcopal authority in the matter of founding a new abbey was not often in the eleventh or twelfth century invoked until it became advisable, *after foundation*, to have confirmatory charters and bulls. (3) It accounts for the community of Cîteaux being in the diocese of some other than that of Langres, the diocesan of Robert at Molesme. The monks of Molesme had got the bishop—not Jocerannus (Sirius is wrong here, see *G.C.* iv.), as he was not bishop until 1112 A.D.—to threaten excommunication to Alberic etc., and so they had left the diocese and province and explored Cîteaux. Manriquez's objection that Stephen and Alberic were at Molesme in 1097 is no bar to this account, as it is only natural that they should return to Molesme when the abbot after their own heart did so. Robert was never very steady at a post, and the twenty-three years have no break in the ordinary accounts. As early as 1084 Molesme had become a popular object of donations (see Petit, *Ducs de Bourgogne*, i., ch. 7); and the noble lords who took up the monastic life at Molesme thenceforth were not used to discipline; consequently it might be expected that somewhere about 1090 Robert would, as from Tonnerre, withdraw in disgust from Molesme. There are no charters of donation from

Alberic, it is said, was chosen to fill Robert's place, but proved too good a disciple of Robert, and, after being subject to rough use, in company with Stephen, the pious Englishman from Sherborne, and two others, left the monastery, and settled at Vivier.[1] But they were soon pursued hither by the enmity of the monks of Molesme, who got the bishop of Langres to threaten excommunication unless they returned. Hereupon they left the diocese, and journeyed southward until they came to 'a place called Cistercium.' Here they built an oratory in honour of St. Mary, and devoted their time to prayer. Meanwhile the monks of Molesme, finding their good report and offerings decreasing, got the Pope to order Robert's return. So Robert, bidden to return, obeyed, and, with Alberic, Stephen, and the others, rejoined the monastery. Robert, while the effect of his retirement was still fresh in the minds of his monks, resolved to try and reform the discipline on strict Benedictine lines.

In William of Malmesbury's digression on the Cistercians[2] there is an interesting account of the discussion in chapter. Stephen occupies a foremost place in this discussion. Indeed, were William of Malmesbury the only authority, it might be supposed that Stephen was the prime mover in the whole matter. Probably this is merely an exaggeration of the truth. Robert was almost certainly the older: his experiences, both religious and temporal, had been varied, and he was always a reformer at heart; but the very humility and gentleness that counted for so much in his saintliness were drawbacks and hindrances to the vigorous prosecution of reforms energetically resisted by comfortable recluses. Hence the whole idea may well have been Robert's, but probably Alberic and Stephen, both hard-headed, businesslike

1090–4, but many for almost every year, except 1081–5 (?), for the first thirty years or more of the monastery (see the *Mémoires de la Soc. Acad. de l'Aube* [1864], ch. i., 163).

[1] Manriquez calls the place Unicus, the Bollandists give Vivificus from a Utrecht MS., and Mabillon gives Vivicus (*Ann. Bened.* v. 219 [n. 100]), which he identifies with Vivier, a vicus four leagues from Molesme, near Landreville, and in the archdeaconry of Lassois.

[2] Book iv. of the *Gesta*; ii. p. 380 ff. of Dr. Stubbs's edit. (Rolls Series 90).

men, made it explicit, and as in William of Malmesbury's account, Stephen, it is likely enough, made, with Robert's approval, the actual proposal for a stricter adherence to the Benedictine rule. But the business in any case was a serious one, and such a radical change in the conduct and habits of life, that went counter to much of the Benedictine use of the time, required careful consideration. So a committee [1] of monks was appointed to examine the rule of St. Benedict, and report on it.[2] The report decided that the rule was not being kept 'ad litteram.' The chief points in which it was broken were three in number [3] : (1) St. Benedict had ordered 'ut labore manuum viverent'; (2) tithes and offerings ought to be left to clerics 'qui diocesi deservirent'; (3) there ought to be no luxury in dress or house.

The majority of the monks, after long discussions, decided that they would not adopt these reforms; Robert, Alberic, Stephen, and a few others thought the principle at issue vital, and felt that there could be no compromise. Secession, then, from the company of the unfaithful was the only alternative. The decision was reached some time in 1096 or 1097. Stephen and Alberic urged the suitableness of Cîteaux for their purposes, and pointed out that it would be easy to obtain a free grant of such worthless land from the owners. The first thing would be to get the consent of the feudal overlord to the new scheme. So Robert [4] wrote to Odo, the duke of Burgundy, explaining the resolve of his companions and himself, as his letter expresses it, 'juxta sanctissimæ regulæ præcepta in vera paupertate et conscientiæ sinceritate vivere.' This was perhaps written by Stephen,[5] who was at all events

[1] It consisted of two brethren (were they Alberic and Stephen?) according to William of Malmesbury.

[2] The abbot (*i.e.* Robert) decided that they must seek for the 'medulla' of the rule.

[3] See Robert, Abbot of Mt.-St.-Michel, Tractate in *Recueil*, xiv. 381.

[4] The Bollandists, quoting Brito, give the letter from a MS. of the Cistercian monastery of Alcobaça, in Portugal (see *April*, vol. iii., p. 665, D, E); so, too, apparently the reply (ibid.).

It was Stephen who drew up the agreement between the Molismenses and the Alpenses in 1097. See the text of the agreement given 'ex archivo Molis-

the messenger conveying it to the duke.[1] It expressed the united unwillingness to 'innovare aliquid,' 'absque beneplacito Celsitudinis vestræ.' The Duke replied in a friendly spirit that he quite approved, and would use his interest with the bishops of the province, and, if necessary, with the Pope himself, for the furtherance of their plans. Then application had to be made to the actual owner, Raynard, the viscount of Beaune:[2] he gave his approval, and Stephen was able to return to Molesme with his mission accomplished.

At this point of the history of the new development from the Benedictine profession the history becomes somewhat better attested, as there is the firm ground of the 'Exordium Parvum'[3] upon which to advance. The account that it gives is unfortunately meagre, but that is perhaps explained by its purpose. This, as Guignard, the editor of the careful transcript from an original copy of the work belonging once to the library of Cîteaux, suggests in his preface, was merely intended to be a short *résumé* of the facts of foundation with some applicable documents annexed, or rather in this case imbedded in the text, for the consideration of the Papal authorities, that they might understand all the circumstances

mensi,' as No. 45 of the documents in the appendix to Mabillon's *Annales Bened.* v. 663. Among the witnesses was Stephen, 'per cujus manum scriptum est.' So he was probably the scribe of the monastery of Molesme.

[1] The Duke acknowledges the letter from Robert conveyed 'per manus modestissimi viri Stephani socii vestri,' so Stephen had evidently made a good impression on the Duke.

[2] Probably some idea of Raynard's attitude would be gained by a business-like person like Stephen, though there is no historical record of such a visit. Raynard's grant, of course, is made later.

[3] One of the earliest editions of this is edited with notes by Ign. Firm. de Hibero (*i.e.* abbot of Hibero) and published 1610, folio; there is a rather careless copy in Dugdale's *Monasticon Anglic.* (1661), ii. 695–702, and (1846) v. 220 ff.; there is a copy with a letter of Innocent, 'Cum paci,' in Labbé, vol. i. (1657), from a manuscript in the Jesuit library of the College of Claremont, Paris; it is also in Migne, *Patrol. Lat.* vol. clxvi., col. 1501 ff.; in the *Recueil des Historiens des Gaules et de la France*, xiv. pp. 109–13 (but not in full), and in Guignard's careful transcript from the Cistercian MS. in the archives at Dijon, in *Analecta Divionensia*, series i., No. 6 (vol. x.), 1878, Dijon (Rabutot). Also in Tissier, *Biblioth. Cisterc.* i. in the 1892 edition of the *Nomasticon Cisterciense* etc.

in connection with the Cistercians' request for Papal ratification of the Carta Caritatis. Having had this *apologia pro monasterio suo*, if it may be so phrased, drawn up, the monks seem to have thought that it contained a good account of the early years of their house, and so decided to preserve a copy of it as the first of their archives. In this 'Exordium Parvum,' so called to distinguish it from the 'Exordium Magnum,'[1] the account is so bald and straightforward that it is transparently truthful, its very conciseness being in its favour, while the documents also must be accepted as genuine; for it would have been too risky to have forged such in the lifetime of some of the alleged grantors, the 'Exordium Parvum' being drawn up during Stephen's lifetime, and before the issuing of the Carta Caritatis—that is, before 1119, when Walter, bishop of Chalon,[2] was still alive, and the news of Paschal's[3] death can hardly have reached Cîteaux.

The other of the early authorities is the 'Exordium Magnum,' in six 'Distinctions': the first of these covers the ground of the 'Exordium Parvum' with great prolixity, digressions, and additions. The remaining 'Distinctions' are mainly adaptations, from various authorities, of lives and anecdotes of various holy men of the Cistercian obedience, for the most part belonging to either Cîteaux or Clairvaux. It was probably written by Conrad,[4] the first of the abbots of Eberbach of that name, who was abbot May–September, 1221.[5]

[1] See Tissier, *Bibliotheca Patrum Cisterciensium*, vol. i., pp. 13-246, 263; see also Migne, *Patrol. Lat.* clxxxv., col. 995 ff.

[2] *Gallia Christ.* iv., col. 887–891, bishop 1080–1120 (or 1121?): his letter is one of those quoted in the *Exordium Parvum*.

[3] Jaffé (revised ed.). Paschal died January 21, 1118.

[4] According to the MS. at Foigny, from which Tissier, *Bibl. Patr. Cist.* i. 13, took his text.

[5] There were two Conrads, abbots of Eberbach: (1) in 1221, and (2) 1369–1371. But several of the monks mentioned in the *Exordium Magnum* were known to the writer, and some of these monks had known St. Bernard (died 1153), so that the writer must be the first Conrad. The *Gallia Christ.* v. 656 says Conrad, was abbot from 1213 till 1226 (the date of his death), but according to Bär, *Eberbach*, pp. 141 and 522 ff., he was abbot only from May to September 1221, though his death did not occur till later. The writer had been a pupil of Gerardus, prior of Clairvaux, who became abbot of Eberbach, 1170 (or 1171)–1177 (Bär, p. 141), so that very probably Tissier's MS. note is correct.

It was, then, written before 1221,[1] and it must have been subsequent to 1193, as in the Recapitulatio of Conrad's own composition Garnerius, bishop of Langres, is mentioned as dead, and he died in that year. So that it is probably eighty or ninety years later than its predecessor.

From these authorities the following course of events seems tolerably certain. Early in the year 1098 Robert, the abbot of Molesme, with some brethren belonging to his abbey, journeyed to Hugo, the archbishop of Lyons, and legate of the Holy See. The Papal authority had required his return from Haur; the Papal authority or its deputy could alone authorise his subsequent withdrawal. Robert explained their resolve to keep the whole rule and nothing but the rule, showed Hugo that reform was impossible at Molesme, and proved to his satisfaction the uselessness and harm of insisting on the continuance of the little band of enthusiasts there. Odo's letter, too, would be produced by Robert, and must have weighed considerably with Hugo. His legatine authority must not be rashly used; but after weighing the pros and cons, remembering that a house divided against itself must surely fall, he complied with Robert's request for his help, and gave him the support of the legatine authority in the form of the letters patent preserved in the 'Exordium Parvum.' They are addressed 'to Robert, abbot of Molesme, and the brethren with him desirous of serving God according to the rule of St. Benedict.' It calls all well-wishers of Mother Church to witness that Robert and certain brethren of Molesme had attended at Lyons, detailed their request, and shown the impossibility of carrying out their designs at Molseme. Consequently permission is granted for them to retire elsewhere for the better service of God. The document ends with an exhortation to perseverance, addressed to Robert and the six brethren who had accompanied him—Alberic, Odo, John, Stephen, Letald, and Peter—and any others who might join

[1] As he states that he is a monk of Clairvaux (Dist. i., ch. x.; Tissier, *Bibl.* i. 24).

them, to persevere in the good work that they were undertaking.

Armed with this, Robert and his companions returned to Molesme. The monks were not sorry that the troublesome little band of reformers should leave, so they placed no impediment in their way. Any who liked might join Robert. He selected from 'the religious community of brethren' such as approved of reform. The little group of brethren numbered twenty-two ;[1] Robert, their chosen superior, Alberic, the prior of Molesme, Stephen, the sub-prior, and the other four brethren who had journeyed to Lyons (as the 'Exordium Parvum' states), Odo, John, Letald, and Peter ; also Nivelo de Merleniaco,[2] who had made his profession at Molesme, endowing the house with a portion of his patrimony ; Ilbodus, John's fellow-citizen,[3] and perhaps the Girardus who is one of the witnesses to Odo's donation ;[4] the names of the rest are unknown. The preparations would not take long: they were withdrawing to lead a hard and self-denying life, so they would require but little to take with them. The only thing of price that they took was a breviary for their daily devotions.[5]

[1] Twenty-one monachi with Robert, *Exord. Parv.* ; Ordericus Vitalis, viii. 25 (in Du Chesne, *Hist. Norm. Script.*) says twelve, which would seem to be the strict number according to St. Benedict's advice, though the reformers might perhaps neglect it, as it is not written down in the rule. Sirius gives twenty-two in addition to Robert (Apr. 29) ; Robert of Mont-St.-Michel (*Recueil*, xiv. 381) says : 'Recessit ab eis cum viginti et uno sibi assentientibus' ; and the Mortuum Mare addition to Sigebert (Pertz, vi. 463), representing a Cistercian tradition, says : 'Unus et viginti monachi una cum patre ipsius monasterii . . . egressi' etc. If it were not for the monachi of the *Exordium Parvum*, it might be suggested that an abbot and twelve monks did go forth in regular style, and the others were *conversi*, or lay brethren. Cæsarius of Heisterbach in *Dialogus Miraculorum* (Tissier, *Bibl. Patr. Cist.* ii. 3) says there were 'viginti et unus *monachi* cum patre suo.'

[2] See Petit, *Hist. des Ducs de Bourgogne*, i. 413 (note), quoting the *Cartulary* of Molesme, i. fol. 51°, in the archives of the Côte-d'Or.

[3] John and Ilbodus (or Hilbodus) are sent in 1100 to Rome, and it is improbable that a freshly joined untried novice would be sent, and so Ilbodus must have been one of the original twenty-one.

[4] His name occurs close to Nivelo's, and he is called monachus, and no outsider had yet apparently entered Cîteaux ; but he is not called one of the monks of Cîteaux, any more than Nivelo is in the charter cited by Petit, i. 412–13.

[5] At least this is all that the monks of Molesme demand back with Robert ; they would certainly have demanded anything of value. See Hugo's letter to the Bishop of Langres in the *Exordium Parvum*.

In Lent, 1098, they marched forth from Molesme, and under the guidance of Alberic and Stephen they journeyed south-east until they came to Cîteaux, the site that had seemed so suitable for their object to those who had been there for a short time some years before. Cistercian writers have tried to introduce the miraculous into the choice of site. According to some of them, Manriquez, Henriquez,[1] etc., a voice came from heaven when they reached this spot in their search for a site, saying, 'Cy est à vous.' However, this is but a crude attempt at etymology raised to the dignity of the miraculous. The place was an ideal one for their purpose: in those days it was a wilderness of thorns and brambles, and remote from the haunts of men; the wildness of the country, with the added fear of the numerous wild beasts to deter mere visitors, would secure the necessary quiet for the practice of the contemplative life. So here they decided to settle, and as good sons of St. Benedict laid the foundation of the house on the birthday of their spiritual father, March 21, 1098,[2] in accordance with his rule, far away from the abodes of men. Tradition, authority, and general considerations alike demand this date. Petit [3] and the compilers of the 'Gallia Christiana' [4] have claimed, rather casually, 1099 as the real date expressed in modern reckoning. But their claim is untenable; the 'Exordium Magnum' expressly says that the monks left Molesme in 1098, and in the same year the 'Cisterciensis

[1] *Menologium*, p. 92.

[2] Janauschek, *Orig. Cist.* I. xiv. ff., points out what is not meant by the foundation. The date of the foundation is not to be reckoned (A) the day of (i) departure from mother-house, (ii) the laying of foundations, (iii) consecration of the church, or (B) the date of granting of deeds of gift—these are often (i) before and (ii) after actual foundation; (C) Date of decree of chapter general, as this, as a rule, was only given where the house came over from another order; (D) letters of popes or bishops as dated. The foundation is rather dated from (I) occupation of (*a*) finished buildings or (*b*) site; (II) migration to house built for another order—look for the *dies ingressus*. If this cannot be discovered, then try and gather it from (i) *dies egressus*, (ii) *adventus aliquot fratrum*, (iii) *inaugurationis dies*, (iv) *dies scriptarum fundationis literarum*, (v) *dies incorporationis*, (vi) *dies literarum a papis vel episcopis datarum*. See also Miss A. Cooke, in *English Hist. Rev.* for 1876, on this matter.

[3] i. 249.

[4] iv. 106; but p. 980–1 they give the traditional date.

ordinis religio' had its exordium, 12 Kal. Apr.,[1] the inscription on the church at Cîteaux[2] claimed the same date, as also did that in the chapel of the Dukes of Burgundy attached to the church at Cîteaux, nor does any chronicler worth consideration vary the date. Petit and the compilers of the 'Gallia Christiana' must imagine the year to commence with March 25.

Again it is improbable that within four months of the settlement of Robert and his companions at Cîteaux the monks of Molesme could have succeeded in getting Urban II.'s[3] orders for Robert's return, especially as Robert, the abbot of Mont-St.-Michel, in his 'Tractate' says that some time elapsed before the monks of Molesme made heard their demand for Robert's restoration to their abbacy.[4] On the other hand, three months are but a short space of time for the accomplishment of all the plans of exodus, the journey to Lyons, and the formal resignation of Robert and the departure from Molesme. But the ascertainment of Odo's wishes has already been, as it reasonably may be, assigned to 1097 (the documents themselves are undated), and Lyons is no great distance from Molesme. The legatine authority gained, Robert and his sympathisers would eagerly hasten to shorten the period intervening between the receipt of permission to carry out their resolve and the actual realisation thereof, and might be expected to hurry on matters so that the birthday of their venture of faith might coincide with the birthday of their master St. Benedict. The main body of monks at Molesme would speed the parting

[1] Dist. I., ch. xiii., it adds on Palm Sunday, which seems really to end the question in favour of 1098.

[2] In Pagius' additions to Baronius. The Bollandists, April 3, p. 666, A and B. Pertz gives a version of Gaufridus de Collone (*SS. Germ.* xxvi. 616), an adaptation of the above.

[3] Urban II. died July 29, 1099 (see Jaffé, *Reg. Pontif.*), so that the time, March 21–July 29, is all too short for the abbey of Molesme to have been inconvenienced by the cessation of donations for the monks to have resolved on again applying to Rome (they would surely not do this until forced by great extremity), and for their journey to Rome, application for relief, etc.

[4] *Recueil*, xiv. 381.

reformers. Indeed, the usual date, March 21, 1098, has everything in its favour, and strong evidence would be required to back up the claim of 1099 against the usual Burgundian custom and the practically unbroken usage of all ancient and modern Cistercian writers.[1]

Thus on Palm Sunday, 1098, the little grain of mustard seed was planted that was to grow up into a mighty tree with branches spreading wide over all Christian Europe, yea, and beyond even its borders. But the very poverty and privations of the little band of monks were to be so many pledges of success; out of weakness was to come forth strength. But at this time their circumstances appeared to have little to presage the renown of future years. The monks had begun a rude oratory of wood with a booth for themselves to sleep in, and Nature's needs would require for some time a close observance of that portion of the rule that bade them work with their hands. But before proceeding to construct a more permanent shelter they must make sure of their welcome by the bishop of Chalon-sur-Saône. This they had clearly not done before settling at Cîteaux:[2] they trusted to the patents of Odo and Hugo, grants that the bishop of Chalon could not dispute, and there was further little doubt that any bishop would welcome a band of enthusiasts whose venture would be the subject of widespread admiration, and so bring credit to his diocese. So then they applied for his authorisation, which was at once granted. Also they must get the grant of the site from the Viscount of Beaune. He at once gave his consent,[3] and

[1] Janauschek, *Orig. Cist.* i. 1, accepts the usual date 1098, as he adds 'on Palm Sunday.' His authority in things Cistercian is great, though he does not appear to have discussed the special point. The official document, the 'Exordium Magnum,' dates the foundation Palm Sunday, March 21, and the two events are coincident only in 1098 for many years either before or after, so that, as stated before, the matter admits of little doubt, unless it is argued that in a hundred years the traditions of foundation were forgotten and remanufactured.

[2] The *Exordium Parvum* says, after describing the coming to Cîteaux, they got the consent of the bishop of Chalon and began to construct their monastery.

[3] See the charter given on the occasion of the consecration of the church. The only complete text of this and its addendum is in A. du Chesne, *Ducs de*

gave them the oratory or chapel of the district, resigning all his rights over the holy building, as they—abbot and monks—refused to admit of the mere idea of subinfeudation in regard to the things of God, and, besides this, the Viscount, Rainald,[1] and his wife, 'Hodierna,' with the permission of their sons, gave the abbot and his brethren the 'prædium, 'known of old by the name of Cistercium,' but already from the settlement of the monks popularly called New Minster. Certain other property that Rainald did not wish to give up and any claims for services from the monks Odo got him to resign by promise of the payment of a fixed quit-rent of twenty solidi yearly to be paid by Odo himself, who, from whatever cause—it may have been from some relationship to Robert[2]—was a keen supporter of the monastery until his departure for the Holy Land.[3] Odo not only compounded with Rainald of Beaune, but, further, to show his approval of their strong religious zeal, as soon as he found that the Papal authority had been granted through Hugo, who seems to have assured him of the opportunity now before him for showing his zealousness for the faith with a certainty of conferring his favours on none but worthy objects, also undertook the completion of the wooden monastery, which was the simple dwelling that the monks had begun to construct for themselves, supplied the little community with their daily bread during the first years of its settlement at Cîteaux, and in addition gave them a large extent of landed property and cattle for working up the land into a state of cultivation. Thus he might legitimately claim to enjoy a founder's privileges. Those the monks granted him. He and the

Bourgogne, Preuves, p. 23 ff. In *Gallia Christ.* iv. Instr. 233–4, the names of witnesses are omitted. The first part is in full in the *Menologium* of Henriquez, p. 92. The Bollandists give selections, *Apr.* iii., 666, B and C.

[1] Henriquez and the Bollandists call him 'Raynardus.'

[2] Henriquez, *Fasciculus*, p. 4, claims that Robert's father, Theodoric, was of the line of the German emperors and dukes of Burgundy, while his mother, Emergardis, was of the family of the counts of Nevers. These last were by marriage connected with the dukes of Burgundy.

[3] The *Nomasticon Cisterciense* (1892, Solesmes) refers to Paradinus for this (p. 55, note 1).

members of the ducal family were allowed burial in the monastic precincts, a special chapel in the later church being assigned for the purpose ; the monastery assumed his arms,[1] and the monks definitely acknowledged the foundation as the result of his bounty in the inscription on the front of the church.

As soon as the simple church and dwelling were completed—and no long space of time could be required for this —the bishop of Chalon visited the New Minster to dedicate the church and formally license the house, enroll it among the diocesan establishments, give episcopal confirmation to the grants made, and take it under the protection of the bishops of Chalon. Hugo probably did not attend in person,[2] but through his deputy, the bishop of Chalon, the legatine authority secured the status of the New Minster and raised it to the rank of an abbey. Robert was duly appointed abbot, the bishop of Chalon presenting the new abbot with the pastoral staff[3] as the symbol of his jurisdiction over the monastery entrusted to his care. Thus, the 'Exordium Parvum' points out, the abbatial status of the new community was fully secured in accordance with the terms of Canon Law and under the ægis of Papal authority. The church, like that of Molesme, was dedicated to the Blessed Virgin ; and from the use of this dedication for the church of the mother-house the custom, later on converted into a rule by the chapter general, grew up of dedicating the churches of the order to the Blessed Virgin. The harmony of the new community with the bishop of the diocese and its submission to his authority through the reception by Robert of jurisdiction from him should be noted in contrast with the attitude of many contemporary Benedictine establishments, and also the later practice of the order itself. Great crowds had attended the dedication ; Odo of Burgundy was there, Rainald of Beaune had come publicly to confirm his grant,[4] and there

[1] See Mabillon, *Ann. Bened.* v. 394. [2] All this was done 'by his orders.'

[3] Was this the *ferula pastoralis* subsequently Stephen's, the one preserved 'in Secretario Cisterciensi' in the time of the writer of *Exord. Magn.* i. 18?

[4] Foundation charter, A. du Chesne, *Ducs de Bourgogne*, Preuves, p. 23*f.*

were many other notabilities present. With their departure the regular life of the community began.

The house consisted of a wooden building of two stories ; the lower room was refectory and general living-room, and the story over it—a sort of attic—was ascended like a loft by a kind of ladder, and this formed the dormitory : here, exposed to the free circulation of the air—as there were no glazed windows—the monks slept in box-like beds, with only straw for their mattress and bed-clothes. These primitive arrangements are only samples of the ordering of their whole course of life. These primitive buildings were left standing when the grander church and monastery were built, and might be seen for many years standing by the side of the new buildings as a reminder of the hardships and simplicity of the founders' lives. It was indeed to be many years before a Boileau [1] could with any semblance of truth place Mollesse in the dormitory of Cîteaux.

But the new community was not to be left long undisturbed. Robert's expulsion from Molesme, as men regarded it, brought the monks of the house into ill repute, and so there was almost a total cessation of offerings. The monks felt constrained to appeal a second time to Rome. The first time it had been to bring Robert back from a retirement caused by inability to keep discipline and enforce order ; the second time it was to restore a definite seceder who had chosen this means of showing his displeasure at their refusal to concur in a revolution with regard to the conduct of the monastery. They forced Gofridus,[2] the abbot elected in Robert's place, to send a deputation to Urban II. The delegates found some difficulty in accomplishing their mission, but finally succeeded, and Urban sent a rescript [3] to Hugo, his legate, to settle the matter on the terms best for all parties. Robert, if possible, was to be induced to return ; the rest were to be left in peace at Cîteaux. Hugo sub-

[1] *Le Lutrin*, ii., 258 (Didot, 1840).

[2] Or Gaufridus.

[3] Known as ' Molismensium fratrum ' ; given in the *Exordium Parvum* ; also in Mansi, xx. (1775), col. 967-8.

mitted the question to a provincial council held at Anse[1] in 1099.[2] The result he communicated to the bishop of Langres, who had supported the appeal to Rome, and was urgent for Robert's return, in a letter detailing the terms on which Robert's restoration to the abbacy of Molesme was to be settled. Gofridus had attended at Anse, and willingly resigned his ill-fated abbacy, with the proviso of re-election if Robert again made off. Robert was to go to Chalon, and formally resign his charge, restoring the pastoral staff into the hands of the bishop of Chalon, being freed by him from his oath of obedience, and resigning all jurisdiction over all the monks of the New Minster who had made any profession or vow of obedience to him. The monks of the New Minster might stay or return as they chose. Neither the monks of Molesme nor those of Cîteaux were to try to proselytise from the other. The brethren were to keep all the possessions conveyed by them from Molesme, with the exception of a much-prized breviary. The brethren of the New Minster were generously allowed to keep it until St. John the Baptist's Day, so as to make a copy from it. All these directions were carried out. Robert attended at Chalon, the bishop of Chalon duly received his resignation, and the Cistercians were released from their vows to him. Robert found some[3] monks, who had had enough of the hermit life, to accompany him. So he returned amid great rejoicings at Molesme and the neighbouring town of Bar-on-Saône.[4] His return took place well on in 1099. There is, too, the fact to contend with that Robert was at

[1] In the arrondissement of Villefranche (Guignard), Portus Ansillæ (*Exordium Parvum*); but there is another reading, Petra-scissa (*i.e.* the castle of Pierre-scise at Lyons) given by Tissier, Manriquez, de Ybero. See Guignard, *Analecta Divion.*, Pref. lviii., note (2).

[2] The date of the council is uncertain. Brial in a note (*Recueil*, xiv. 110) says, quoting Bertholdus Constant (in note *b*): 'In concilio Romæ an. 1099, tertia hebdomada post Pascha celebrato.'

[3] Quidam, *Exordium Parvum*. The Bollandists feel that a noble abbot ought to have chaplains with him, so they (*Apr.* iii. 667, F) give him two companions, following Sirius, ii. 281, col. i.

[4] Two leagues from Molesme (see Bolland, *Apr.* iii. 672, D).

Cîteaux on Christmas Day, 1099.[1] But according to Burgundian dating this would be our 1098, being the first day of the new year, which we date from a week later, January 1. Then Odo attended at Cîteaux for the festival, and gave a Christmas present to the abbey. Probably this desertion of Odo and his gifts to Cîteaux at Christmas had been the last straw that broke the Molesme monks' resolution not to appeal to Rome if they could possibly refrain. The appeal to Rome would take some time, and then Hugo had to get his council together.[2] After that there had to be the journey to Chalon, the return to Cîteaux, and the preparations for departure, so that July or August would most likely be the time of Robert's return to Molesme. Albericus ruled nine and a half years,[3] and died January 1109,[4] so that July 1099 seems extremely probable as the date of Robert's return; and the year and three months, assigned by the authors of the 'Nomasticon,'[5] as the length of Robert's absence from Molesme, will, with this date, be about a correct reckoning.

The little community of some twenty-four monks,[6] as soon as Robert had retired, proceeded at once to the election of

[1] Quotation from MS. *Chartulary of Cîteaux*, by Petit, *Ducs de Bourgogne*, i. 250.

[2] There is no record of any other business transacted, and its composition seems to show that Hugo had 'whipped up' any available 'viri religiosi, honesti, et boni testimonii' that could attend.

[3] William Godell's Chronicle (he wrote *c.* 1173) in *Recueil*, xiii. 673; the Mortemar add. to Sigebert (*Rec.* xiii. 263, D and E), speaks of nine years' service, though making 1107 the year of Alberic's death. *Exordium Parvum* says Alberic died 'in schola Christi per novem annos et dimidium regulari disciplina exercitatus.'

[4] Mabillon (*Ann. Ben.* v. 531) supports this date. January 26 is the day in the calendar universally assigned as the day of his death, so that may be taken as fairly certain.

[5] Ed. 1902, p. 58, note i; 1 year, 3 or 4 months. Robert of Mt.-St.-Michel (*Rec.* xiv. 381) says that Robert was at Cîteaux 'aliquamdiu.'

[6] Ordericus Vitalis, viii. (written probably before 1128): 'Albericum . . . Joanni ac Hilbodo Atrebatensibus, aliisque viginti duobus fratribus abbatem Cistercii constituit.' Henriquez (*Fasc.* p. 18, Dist. ii., ch. i.) says that twelve or thirteen monks stayed with Alberic and duly elected him abbot. The fratres of Ordericus may include *conversi*, but Henriquez does not know much about Alberic until the time of his request for Papal confirmation of Cîteaux and its principles.

an abbot.[1] The choice, probably under Robert's advice, fell upon Albericus, and his election was carefully ratified so that all might be done canonically, and the little community escape the many dangers threatening it, by proceeding on proper constitutional lines. Albericus, of whose birth or early years nothing is known, had joined Robert at Collan,[2] and helped him in the founding of Molesme, became prior there,[3] had been one of the leaders in the agitation for reform, suffered in his person for his reforming zeal, retired to Unicus with Stephen on Robert's first secession from Molesme, helped to construct the first oratory at Cîteaux, returned with Robert to Molesme, had accompanied his abbot to Lyons, and, finally, with him joined in the formal establishment of the community at Cîteaux, where he became the first prior. He was a man of culture for the times, and had had experience in secular affairs, whence came his businesslike instinct in securing the standing of the new minster after the shock incurred in the removal of its first superior, but was withal a pious and earnest man with a great love for Cîteaux and an unbounded admiration of the rule. Albericus, though he had at first shrunk from the difficult task before him, soon after his election secured the assent of the community to the despatch of two of the brethren, John and Ilbodus,[4] to Pope Paschal II., to secure the help of the Holy See to the firm establishment of the New Minster on permanent lines, and 'so as to secure it against any attempts, on the part of any ecclesiastical or secular authority, to dispute its position.' The monks of Molesme had probably suggested that obedience

[1] The authorities seem to imply that both Robert and the Pope at least suggested a successor (*see* Orderic. Vital. as above), Robert being the subject of the sentence. Robert of Mt.-St.-Michel (*Rec.* xiv. 381) says that the Pope 'abbati jussit . . . ut regeret ; ac in alio quod postmodum incœperat quemlibet de suis idoneum substitueret' ; but this may only be an echo of Urban's rescript, so the Mortuum Mare add. to Sigebert (Pertz, *SS.* vi., 643–4).

[2] In all probability. *Cf.* Henriquez, *Fasc.* i. 2, 1.

[3] In the charter in Mabillon, *Ann. Bened.* v. 663, 'Albericus prior' is a witness ; and *Exord. Parvum*, 'quique prioris officium . . . gerebat.'

[4] Citizens of Arras : Atrebatenses, *Orderic. Vital.* viii. 25. Ilbodus is also called 'Ilboldus' in Dugdale's version.

would require a general return to Molême from Cîteaux,[1] and with the departure of Robert, his kinsman, Duke Odo's interest in Cîteaux at once ceased.[2] Hence the more need for caution. The only chance of successful continuance lay in securing Papal authority. In the 'Exordium Parvum' are preserved all the letters of introduction and recommendation that Alberic and Stephen thought necessary to support their claim to recognition by the Holy See, that 'our successors may understand the strong foundations on which our church rests both in the matter of forethought and definite licence.'

Letters were obtained from the archbishop Hugo and Walter the bishop of Chalon,[3] and also there was a joint recommendation from the two cardinals, John de Marisco, cardinal bishop of Tusculum, and Benedict, titular cardinal of St. Silvester.[4] The demand of the brethren was merely for peace and freedom from disturbance, as the three letters show. They alleged the previous support of Urban to the preservation of the separate life of the New Minster, and only asked the Pope to grant a means of defence to its monks against jealous and angry traducers and rivals. The bishop of Chalon stipulated for the recognition of his jurisdiction, but otherwise the request by the monks and their guarantors was unconditioned in its urgency. Owing to the strong influence backing them, the matter was quickly settled, and Paschal almost at once assented to the terms of their petition. The Pope's assent[5] to their demand was granted in terms as strong as even the monks of the New Minster could themselves have wished. He supported his predecessor's decision,

[1] At all events they kept up a fierce attack on them, as Hugo's letter shows.

[2] That must be the explanation of the extreme poverty of the house soon afterwards, and all through Alberic's tenure of the abbacy, though in the later part of it Odo was away at the Crusades (*Nomast. Cisterc.* 1902, 55, note 1; quoting Paradinus).

[3] They are given in full in the *Exordium Parvum*, as is also the joint epistle of the two cardinals.

[4] For these cardinals see Riant, *L'Orient latin*, i. 716; according to the biographical note of Geoffroi de Châlard inserted in the anonymous life in the twelfth century. 'Paschalis . . . misit dominum Johannem et socium ejus Benedictum, cardinales Romane ecclesie, in Galliarum partes' etc.

[5] In the bull *Desiderium quod*.

forbade any local attempts to break up the monastery, and made it unlawful for other religious houses to receive monks from Cîteaux unless they came with proper letters dimissory. Thus the brethren returned triumphant, and by the middle of the year 1100 peace was assured.[1] Henceforth the battles to be waged would be those of the spirit within the walls of the convent; the fight for their position was gained. Now the little community could turn uninterrupted to the strict observance of the rule of St. Benedict, and adopt certain regulations unobserved by contemporary Benedictine establishments technically guilty of a breach of the rule. These, however, savoured of unexampled hardness even to the hardy men of the semi-civilisation of the time. The regulations affected the dress, food, furniture, church lands, and tithes of the community. (1) The dress was to be the simple habit of the order; there was to be no luxurious or even ordinary underclothing, while all fur capes and warm cloaks were strictly forbidden. (2) There were to be no dainty dishes and side-courses, no grease was to be used in cooking, and the food was always to be plain and ordinary. (3) The beds were not to be soft mattresses or to have soft and luxurious coverings: all was to be plain and simple, not to conduce to sloth, but sufficient merely to give rest to healthily tired bodies. The furniture of the

[1] The exact date of the bull is uncertain: it is dated Trojæ, and is in 1100, but the rest of the date is confused. Henriquez, *Fasc.* p. 23 (Dist. i. 2, 4), gives xiv. Kal. Maii (*i.e.* April 18); the *Bullarium Magn. Roman.* (Cherubini), i. 30–1, Kalendas Maii (the xiv. seems omitted by mistake), and in margin 'Dat . . . die 81 (*sic*) Apr.' Henriquez (*Reg.* p. 52) is the same as the *Fasc.*; but it is known that Paschal was at Rome on April 14 and 20 (see Jaffé, *Regestr.* i. 706) and May 1, so that he is hardly likely to have been 150 miles off at Troja on April 18, or the monks to have pursued him there. Jaffé assigns the bull to xiv. Kal. Nov., *i.e.* October 19, but without assigning a reason. Paschal is at Rome on May 6, and then took a tour round the Papal cities in S. Italy and elsewhere (see Pertz, SS. iii. 183), and was 'in Melfi' in October, so that he had probably made the round Benevento–Apulia (Troja), Salerno–Amalfi; but he was at Salerno, August 8 (Ughelli, *It. Sacra*, vii. 395) and August 30, and as he most likely had come round from Apulia and Benevento (the city had proved rebellious and was excommunicated by him, so he would probably have visited it first), the *Desiderium quod* seems to be before August—perhaps June 18—but no certainty seems attainable.

day-rooms would consist merely of the tables and stools, and what was absolutely necessary, nothing more. (4) No endowed altars, no costly offerings, were to mar the stern simplicity of the church of these pre-Reformation Puritans, nor were there to be therein or within the abbey bounds costly sepultures of benefactors or others ; St. Benedict had set the example of rejection in this matter, the only exception being for his sister's burial. (5) They were to have no lands beyond the actual monastic precincts, no granges, serfs, mills, or other possessions, such as a seigneur would have, and these sites were to be situated in unfrequented places.[1] And (6) lastly they were to accept no tithes, but this had to be modified later ; so, where the acceptance of tithes seemed inevitable, they were to be divided into four portions : for (*a*) the bishop ; (*b*) the presbyterate of the diocese ; (*c*) the the support of visitors at the monastery, widows, orphans, and the absolutely destitute ; and (*d*) a fabric fund for their church building. But at once a difficulty recurred. If they were to renounce all landed and seigniorial properties, how were they to live ? Nor did the matter concern themselves alone : they were certain to have visitors and pilgrims staying with them ; how could they on such terms give them due hospitality according to the rule ?[2] The difficulty was resolved by a new departure in monastic organisation, after consultation with the bishop.[3] Strict adherence to the rule, where the support of a large monastery was in question, was impossible ; lands they would have to possess, but they decided that they were not to be worked for profit, only to provide the convent with due necessaries. Nor—and this is the most important point—were the monks to be allowed to work the outlying manors. The rule ordered a monk to abide in the cloister, to ensure solitude far from the crowded centres of population. But how, then, were the manors to be

[1] Because a monk 'a secularibus actibus se facit alienum.'

[2] The rule bade them receive strangers as Christ Himself.

[3] 'Episcopi licentia.' This was a note of difference between the Cistercians and the ordinary Benedictines : the Cistercians in early years courted the bishop's approval wherever they settled.

worked? A new grade was to be introduced;[1] lay monks, called *conversi*, regular members of the monastery, the monkhood alone excepted, were appointed to manage them, and these *conversi* were to be reckoned both in life and death equally members of the house with the professed brethren. Their business was to be management of all properties[2] too far from the monastery to allow of return to the appointed services, and certain indulgences and remissions of religious services were granted to the *conversi*,[3] who also were not required to shave. In matters that even the *conversi* could not properly undertake recourse was to be had to business men of the world.[4] Finally, they decided that when able to do so they would follow St. Benedict's example, and send forth offshoots from their house, each to consist of a 'pater' and twelve monks.[5]

Such were the first regular 'diffinitiones'[6] drawn up for the regulation of the life and discipline of the New Minster. If they may be so called, where there was as yet but a single convent, these were the first statutes of the chapter general of Cîteaux.[7] They show clearly the mind of the founders of Cîteaux. They did not create or wish to create a new order,

[1] Perhaps hardly new; but the fratres who were not monachi, and took part in manual labour, do not seem of much account under the original Benedictine rule, and so this may be described as a new departure, at all events in the importance attached to it. See H. d'Arbois de Jubainville, *Etudes sur l'état intér.* etc.

[2] As to these properties see the *Transactions* of Congrès Sc. de Fr. ii. 355–60.

[3] See the regulations for the *conversi* in Martène and Durand, *Novus Thes. Anecd.* iv., printed at the end of the Statuta Capituli Generalis, col. 1647 ff.

[4] 'Homines etiam mercenarios' (*Exord. Parv.* § 15 fin.).

[5] This is not in the Regula, but is a scrupulous attempt to conform to St. Benedict's practice; it was usually followed, as for instance in the foundation of Molesme (Sirius, *Apr.* xvii.), but there seem to have been exceptions.

[6] So called, as they merely consisted of commentaries on the rule, having, of course, the force of a special command.

[7] The difference between a *diffinitio* and *statutum* lay in the provision of rules as regards the inner and outer life of the society. A *diffinitio* rather dealt with the difficulties of the spiritual life, and collections of these were promulgated from time to time, and a *statutum* concerned itself rather with questions of external organisation, though both might be combined in a book of Uses.

nor in reality has such ever been recognised in fact; they were rather making a new departure within the Benedictine order; they merely desired a stricter compliance with the clear commands of the rule of its founder; they desired to promote a reformation within it, not to go forth and sever all connection with the disobedient majority. Its attitude to the Benedictine order, which was no well-organised, compact body, but rather consisted of an aggregate of houses scattered throughout Christendom acknowledging the authority of the rule and having as their derivation the mother house of St. Benedict himself, was that of the Trappists[1] or Bernardines[2] to the Cistercian order itself. It was no new sapling, but rather an offshoot of the parent Benedictine stem, shooting up loftily and thrivingly as the main trunk—as a mighty beech tree divides into two great trunks, shooting up side by side, which yet are nourished from the same root. A reformation, not a separation! Nor was it an entirely new departure; there had been reformation in the Benedictine order before, such as the departure signalised by the order of Camaldoli.[3] And, again, as yet the Benedictine ideal was supreme in Western Europe in the matter of monasticism; no new departures had as yet arisen from the accepted model.

But the strictness of the statutes acted as a deterrent to others. Alberic[4] and his brethren desired the benefits of solitude and poverty; the world decided that they should have them. Yet the brethren sorrowed because they feared that through lack of disciples the heavenly treasure that they had discovered could not be passed on to other ages. Alberic was not to see the dawn of a brighter day, for after a rule of nine and a half years[5] he passed to his rest without

[1] See Gaillardin, *Les Trappistes*.

[2] *Cf.* Grævius and Burm., *Thes. Antiq. et Hist. Italiæ* iv., pt. 1; *Chronicon Ambros. Mediol. Basil.* pp. 283–4.

[3] On this see Mabillon, *Ann. Bened.* v. 531.

[4] The account of Alberic is wanting in the *Exordium Magnum*.

[5] 'In schola Christi per novem annos et dimidium regulari disciplina feliciter exercitatus migravit' etc. Presumably this refers to the time of his rule. The *Exord. Magn.* in Recapit. at end of Dist. vi. (Tissier, p. 243) says 'Stephanus

seeing any increase in the number of his brethren. His rule had, however, been momentous. The right to exist was assured, and more or less unconsciously the new order had been started on a firm basis. A momentous code of regulations had been drawn up, exciting alike wonder and derision far and wide, and the way had been thrown open to expansion.

There are two minor regulations, in addition to those already mentioned, ascribed to the time of Albericus' rule and generally to his ordering. They are (1) the drawing up of the 'little office of our Lady,'[1] as to the original date of which no certain knowledge seems attainable; and (2) the adoption of the white habit.[2] It seems pretty certain that this last took place in Albericus' time, though the exact reason for the rejection of the black habit will probably always remain unknown. Cistercian writers have recourse to the miraculous, including the intervention of the Blessed Virgin.[3] The change may have been due to some vision or dream of Alberic or another, but was more probably merely another note of simplicity in dress, the use of dye being avoided as a needless expense and luxury, while to show that they were not breaking with the Benedictine custom (for the rule was silent and forbade discussions on the matter of dress[4]) they retained the distinctive colour in their scapular, the most distinctive article of dress, and in their travelling

. . . qui decimo anno instituti Cisterciensis Ordinis pastoralis curæ officium . . . suscipiens,' where tenth must mean when ten years had been completed. Mabillon, *Ann. Bened.* v. 531, and *Nomast. Cisterc.* (1892), Pref. v., give January 26, 1109, as the date of his death; Sartorius, Feb. 26 (surely a misprint) (see *Cistercium Bis-tertium*, 12), as Alberic is commemorated on Jan. 26, and tradition claims his death on that day, it may reasonably be assigned to that day. There is no exact means of verifying the year of Alberic's death, if the note of the *Exord. Parv.* refers only to his connection with the monastery. The date 1109 suits perhaps better than any other year. Stephen must have been abbot by 1109, see Orderic. Vitalis, viii., 714 A (Du Cange). Godell's Chronicle (*Recueil*, xiii. 673), written about 1173, says Alberic *ruled* 9½ years as abbot.

[1] See Mabillon, *Ann. Bened.* v. 531. No original authorities are quoted.

[2] See Mabillon, *l.c.*

[3] The Bollandists. Henriquez, in his *Life of Alberic* etc. (see the *Fasciculus*).

[4] *Regula*, § 5.

dress. The prior Stephen may have had something to do with the change, as he had been in Italy, and had perhaps visited the monks of Camaldoli [1] in Tuscany, who had adopted a white habit, and he may have admired it. The change angered still further the general body of Benedictine monks, and became for a time the subject of mutual recriminations.

Alberic's rule then had proved a time of new departures, and his organising capacity had proved useful; but he had not the gift of attracting followers, and so by the time of his death (January 26, 1109) his work was done. His successor in the abbacy was Stephen Harding,[2] the Englishman, educated [3] successively at the abbeys of Malmesbury and Sherborne. He had left the latter monastery seemingly at the time of the Norman Conquest, taken refuge in Scotland from the invading Normans and their harrying of English monks, and had journeyed to France, where he attended some university [4] and studied. Then came the call of religion. He obeyed it and made a pilgrimage to Rome with a young clerk as his companion,[5] and on returning through Burgundy was attracted to Molesme by the repute of Robert's saintliness, and made his profession there, eventually becoming

[1] See the account of the adoption of the white habit by S. Romualdo in Mrs. Jameson, *Legends of Monastic Orders* (Longmans, 1850, p. 122).

[2] William of Malmesbury, *Gesta Regum*, iv. (p. 380 of No. 90 of Rolls Series, edit. by Bishop Stubbs), has a long account of Stephen and his regulations at Cîteaux. W. Godell (*Rec.* xiii. 673) places Stephen's accession in the tenth year after Alberic's rule of 9½ years. He puts Robert of Molesme's death in 1110 (April 17, *sic*), and says that this was Stephen's second year; but the Mortemar addition to Sigebert (*ibid.* 263, D and E) assigns Alberic's death to 1107, clearly antedating it. *Cf.* Cardinal Newman in *English Saints*, iii.: Stephen Harding; the life of Stephen from the *Acta Bolland.* is in Migne, *P. L.* 166, col. 1361 ff., but is too uncritical.

[3] There are several Hardings in the Domesday of Wiltshire and Dorset. In the Dorset Domesday a Norman has displaced a Harding of Edward the Confessor's day, and this might account for Stephen's exile to Scotland. See Appendix to *Hist. of Dorset*, vol. iv., edit. by J. Hutchins ('non ita reconditis natalibus procreatus,' William of Malmesbury).

[4] The locality is not stated.

[5] See the account in William of Malmesbury of how they daily sang through the whole of the Psalter.

sub-prior.[1] His activity in reform has already been seen, and eventually with Robert he migrated to Cîteaux, becoming prior [2] on Robert's return to Molesme and Alberic's election to the abbacy. Much of the insistence on reform, the new departure at Cîteaux, and the Puritan sternness of the regulations must be ascribed to the English monk. Like Hildebrand he was content to wait and be the power behind the throne, not grasping at the mere semblance of power before the time was fully ripe for his enterprise. The time of waiting was over, the foundations were secure, the time for expansion had come. But there was to be no submission to the claims of the worldling; rather a challenge was to be flung in the world's face. For soon after his election to the abbacy Stephen summoned a chapter general, if it may be so described—the second in the history of the nascent order—and regulations of further self-denial and simplicity were agreed upon. It was the custom for the dukes and nobles to foregather at some centre of renowned religion and piety on the great feast days of the Christian year. The expense of the necessary hospitality was a great drain on the community's resources, though usually counterbalanced by some gift of lands, money, or privileges, but—what was far worse in Stephen's eyes—it was a time of necessary relaxation of discipline: courtiers and all the retinue of a great man would throng the cloisters and the bustle and worldly distraction would tend to turn the hearts of the monks from things of heaven to those of earth. All this source of worldly interference with the cultivation of the spiritual life must be removed. Hence (1) the regulation forbidding the reception of the Duke or any other prince in the cloister on feast days, and denying him the right to hold his court there at any

[1] Mabillon says Stephen was prior, but this is clearly improbable (see *Ann Bened.* v. 531). In 1097 Alberic was prior, and Stephen (probably Stephen Harding) is only described as a monk. See the document in Mabillon, *Ann. Bened.* v. 663.

[2] Cf. *Speculum Hist. Vincent. Bellovac.*, lib. xxv., c. 94; and Migne, *P. L.* 166, col. 1363, A. It is probably the case, though none of the early documents mention his being prior.

time ; and (2) a series of ordinances relating to the furnishing of the church, the ornaments of the minister, and the vessels necessary for the celebration of the Eucharist.[1] These last were, no doubt, due to the recognition of the fact that bareness and simplicity of service would tend to keep away the mere sight-seeing lover of great functions, and to a well-founded suspicion that the preservation of simplicity in the community was thus best secured, as luxury in church often led to luxury in the cloister, as it had done at Cluny and other great Benedictine houses.

But the very extravagance of the renunciation promoted the increase of the order, so that the author of the 'Exordium Parvum' can state that 'in those days the church' (*i.e.* Cîteaux) 'grew in lands, vineyards, meadows, and manors, without experiencing any decrease of religious earnestness.' Of course, as in all great movements, the success was due to the winning personality of the leader and his unflinching earnestness ; and shared with these qualities there were in Stephen a certain readiness of speech and a geniality of countenance[2] hardly to be expected amidst such extremities of asceticism. Yet so it was ; and like every good leader the abbot asked no indulgences for himself in any matter.[3] Abbot and monk were on an equal footing before the dictates of the rule. But it may be doubted whether the order would ever have grown to be the mighty world-wide influence it became, even with the great organising and spiritual capacities of its head, had it not been for the entrance of St. Bernard[4]—the man of the age, summing up and expressing in himself all its most notable characteristics, the last of the

[1] See all the details in William of Malmesbury and the *Exordium Parvum*, § 17, and *Exord. Magn.* Dist. i., ch. xv.

[2] 'Sermone comis, facie jucundus.' William of Malmesbury would hardly have invented such touches : he may very well have seen Stephen at some time or at all events gathered his materials from those who had been in close contact with Stephen.

[3] This is among the regulations given by William of Malmesbury.

[4] Platus, for instance (*De Bono Statu Relig.* i. 34), mentions St. Robert and St. Bernard as the two founders of the order. Bernard greatly 'amplified' the order.

Fathers, the Dictator of Christian Europe—as a novice at Cîteaux. The manner of his entrance, too, was noticeable, and such as specially to attract public attention to the community at Cîteaux, and to help to erase from all the unprejudiced minds of the day all the adverse rumours that had arisen against it. A monastery whose life and teaching could attract noble and cultured minds, so that thirty such on the same day became novices,[1] the leading members being notable personages in the duchy, could not be the product of a combination of charlatanism and fanaticism. Henceforth the New Minster was not to be the home of a single practically independent community; but the mother, or in stricter Cistercian language the father,[2] house was to become the centre of a great order, not the autocratic head of a collection of dependent priories, like Cluny, or in their earlier days Obasine or Savigny, but the presidential leader of a popularly elected oligarchy.

The accession of the thirty novices with Bernard at their head had strained the resources of the community to the utmost.[3] The support of such a large concourse was too great a burden for its slender means; so, as in the Greek States of old when the population became too abundant, a colony must be sent forth. The bishop was consulted, and suggested that this house also should be in his diocese. Stephen agreed, and, finding that the owners[4] of some lands on the Grosne were desirous of making a grant for religious purposes, he sent some monks to examine the ground and report. Their report proved satisfactory, the site was chosen, and some monks sent in advance to prepare for the coming

[1] *Exord. Parv.* § 17, and so *Exord. Magn.* Dist. i., ch. xv. This took place in 1113. See *Exord. Magn.* i. 16 end (Migne, *P. L.* 166, col. 1014, B), 'quinto decimo demum a constitutione domus Cisterciensis anno' etc. So, too, William of S. Theodoric in his life of S. Bernard (*Recueil*, xiv. 362), giving date 1113. He says, 'Amplius quam triginta.'

[2] See Sartorius, *Cistercium bis-tertium*, though certainly the Carta Caritatis, called Cîteaux mater of others, ii. § 4.

[3] *Cf.* Mabillon, *Ann. Bened.* v. 587; and Manriquez (quoted by the Bollandists; see Migne, *P. L.* 166, col. 1370, B), giving the account from the *Tabularium Firmitatis.*

[4] Called Gaudelricus and Gulielmus, 'comites.'

of the colony by the erection of simple huts like those that had served for the community of Cîteaux at its first beginnings. The project had to be hurried on, and so on May 18, 1113,[1] only some three or four months after Bernard's arrival, the brethren solemnly entered their new house, and the rude little church or oratory was dedicated.[2] In memory of the secure basis on which the power to send forth a colony showed the mother house of Cîteaux to rest, the Cistercians named it Firmitas, or 'Strength.'[3] Thenceforth not a year would pass without the foundation of some new house, until in 1151, when the number of houses was reported to be some five hundred[4]—assuredly a gross exaggeration even if we include nunneries[5]—the brethren found the difficulty of organisation and control so great that they tried to put a stop to the flowing tide of colonisation by forbidding the erection of any new abbey, but with scant success. The letter of the rule might be observed, but by Papal authority and letters of recommendation it could always be circumvented.

In the year following the foundation of Ferté-sur-Grosne,[6] the increase of adherents again necessitated the despatch of another colony. A priest in the diocese of Auxerre, Ansius by name, admiring the self-denial and devotion of the order, besought the abbot Stephen to allow him to found an abbey at his church or oratory of Pontigny[7] with monks of Cîteaux. Stephen agreed, but pointed out that the bishop must be consulted and give his consent, as the order only

[1] Date from *Tabularium Firmit.*; *cf.* Janauschek and his references.

[2] Stephen had arrived on the 16th with Bertrandus, the abbot-designate, and his twelve companions. Gualterus, bishop of Chalon, performed the consecration ceremony, the bishop of Langres being also present (*Tabularium Firmitatis*, *l.c.*).

[3] See *Exord. Magn.* i. 21 (Migne, 166, col. 1017, A).

[4] See Roberti de Monte Chronica (Pertz, *SS.* vi. 500, and *Recueil*, xiv. 518, note *d*); in 1151 the chapter of Cîteaux decided to stop founding new abbeys, because the number 'processerat ad quingentas fere abbatias.'

[5] Janauschek does not give 500 authentic houses in all by the end of the fifteenth century; nor until the latter half of the twelfth century did the nunneries become numerous.

[6] Monasterium Firmitatis supra Grosnam situm.

[7] About four leagues from Auxerre; the original documents of Pontigny are printed in Martène and Durand, *Nov. Thesaur. Anecdot.* iii. 1221 ff.

'did everything with the bishop' in those early days. So the two, Stephen and Ansius, journeyed to Auxerre, interviewed the bishop, and obtained his consent both to the proposed foundation and also to the terms of union between Cîteaux and its abbeys. This was probably a rough draft of the nature of the terms contained in the Carta Caritatis, which, however, was not yet definitely drawn up. Accordingly the house of Pontigny was founded in 1114, and the order had now extended beyond the mother diocese of Chalon and the province of Lyons to the diocese of Auxerre and the province of Sens.[1]

But the fame of the order was spreading far and wide, and, in spite of the two foundations already made, the numbers entering as novices taxed all the resources of Cîteaux to the utmost. So in 1115[2] Stephen decided that he must send out yet another colony of monks. The difficulty generally lay not so much in sending forth the monks and securing a site for a monastery as in choosing a devoted adherent of the rule, who should also be a good organiser and a man of personal power. On this occasion Stephen had no difficulty. St. Bernard was young, and but lately a professed monk; yet of his devotion, his earnestness, his great capacity, and intellectual powers even then there could be no doubt.[3] A site was secured on the banks of the Aube, and the consent of the bishop of Langres obtained. The choice of site was doubtless St. Bernard's: the more unpromising the better for drawing out spiritual graces, he would consider, and unpromising the district and its surroundings must have been, as is evidenced by the name usually given it, *Vallis Absinthii*, the Valley of Wormwood.[4] But this name was soon to be exchanged, under St. Bernard's auspices, for one of better

[1] See the *Gallia Christiana*, xii. 439.

[2] *Exord. Magn.* ii. 1. The Bollandists (Migne, *P. L.* 166, 1371, B & C): 'Anno ab Incarnatione millesimo centesimo decimo quinto, septimo Kalendas Julii fundata est abbatia Claræ-vallis: eodem anno & eodem die abbatia Morimundi.' (From a 'chronologia' of Clairvaux.)

[3] *Exord. Magn.* vi. Recapit. (Tissier, p. 243; Migne, *l.c.* col. 449). See references in Janauschek, i. 3.

[4] *Vita*, i., *S. Bern.*, in Migne, *P. L.* 166, col. 241, ch. v.

omen, *Clara-vallis*, *Clairvaux*, the Valley of Light. Hither, then, came Bernard,[1] filled with more than an earthly enthusiasm, and prepared to carry out the minutest demands of the rule in the strictest possible fashion with his band of twelve monks, and occupied the simple huts prepared against their arrival.

In the same [2] year was founded, on June 25,[3] Morimond,[4] the last of the original foundations from Cîteaux ; also, like Clairvaux, in the diocese of Langres, by Ulricus,[5] the half-uncle of St. Bernard, this showing how family connection came into play even in such early days in the matter of promoting monastic growth.

Petit [6] has pointed out that these four houses are roughly placed at the four cardinal points in relation to Cîteaux ; this is, certainly, quite true, but was perhaps hardly the outcome of a definite policy. The foundation of the first house was due to the opportunities of a site opened up to Stephen and those of the monks sent out to search for a suitable and available place, while the situation of the others would be rather determined by a wish to give each house the power of expansion, and to keep them from too great proximity with each other, and yet in touch with the mother house. Of course they do roughly form points on a circle at the cardinal points in relation to the mother house, and there was probably a conscious desire to group them as far as possible round it.

The same authority [7] has also pointed out a characteristic of the situation of the earlier houses which may have been

[1] Bernard worked hard with the lowliest of his house on the land. See the incident quoted from the *Gesta Pontif. Autissiod.* 1115–1136, quoted in *Congrès Sc. de Fr.* (1858), pp. 354 ff.

[2] Chifflet seems wrong in ascribing both to 1114. See Janauschek (Chifflet in Migne, *P. L.* 185, cols. 1535-8).

[3] See note on p. 31, 2 ; so the Chronicle of Clairvaux ; but see Janauschek, i. 3 and 4.

[4] For the history of Morimond see Dubois, *Morimond.*

[5] See Albericus ad ann. 1110, as given in *Recueil*, xiv. 362 (note i.).

[6] *Ducs de Bourg.* i. 312. Firmitas (La Ferté) to the S., Pontigny to the W., Clairvaux to the N., Morimond to the E. Not quite exactly at the four cardinal points, perhaps, but near enough to be noticeable.

[7] Petit, *Ducs de Bourg.* i. 312.

merely due to chance, but which is much more probably to be assigned to a definite plan in the minds of the first fathers of the order. It will be found that these earlier houses are nearly all situated close to the junction of the boundaries of two or more dioceses, sometimes of two or more provinces. This is so with all the first dozen dependent houses, and would point to a definite and settled method of extension. Each new house rejoiced in the definite protection of the diocesan authorities, and as it felt within itself the expanding life of a growing order its founders would place it in a situation where it could explore, not only the neighbouring country for suitable solitudes, but also the intentions of property owners and ecclesiastical authorities, and so come into close and intimate contact with them ; for, in the early years, as a rule, each diocese could only support one house,[1] though after the first years of patient waiting the growth was almost too rapid ; indeed, after a few years became so rapid as to be a very real danger, as the order itself recognised by its attempts,[2] mainly unsuccessful, to check the foundation of new houses. The statutes of the chapters general show how Papal authority was invoked by eager applicants, and when gained could not very well be resisted by the Cistercians, and so the order had to be suspended over and over again 'for this time only.'

Stephen now saw that the order was in no fear of dying of inanition. The father's house had important offshoots which would, if necessary, act as feeders to itself. The continuance of Cistercian principles was assured. But he had not procured the foundation of these colonies of monks from the original house with any idea of their establishment as separate societies on independent lines. He saw all around him noble foundations with high theoretical ideals, but with

[1] Perhaps this statement is a little strong, as of the first sixteen houses in Janauschek's list three are in the diocese of Langres.

[2] See Roberti de Monte Chronic. ad ann. 1151 (*i.e.* 1152), in Pertz, *SS.* vi., 500. The chapter general decided to build no more new houses 'sine majori consilio.'

great practical abuses and irregularities.[1] Cîteaux was a standing protest against all such. Neither it nor its offshoots must ever degenerate into such a state if he could secure the continuance of right ideals. How was this to be done? It seemed only practicable by binding together Cîteaux and its offshoots in a kind of federation with an ultimate semi-democratic[2] basis. This would avoid the dangers of independence; and by the establishment of a strict system of control the almost despotic power of the abbot could be kept in check and considerably modified. With this idea in view, Stephen must have come to some distinct understanding with the newly sent-out communities; perhaps he did not entirely free them from their allegiance to the mother house, though the abbatial title[3] belonged to the superiors from almost the very first. At all events, after the foundation of the first four offshoots, usually known especially as the 'quattuor primæ abbatiæ,'[4] Stephen called together conferences from these new houses, and, with some members from Cîteaux,[5] discussed the question of the relations between themselves and Cîteaux, and the result was the constitution usually known as the Carta Caritatis. The exact date of the issue of this law or constitution[6] of the society, as the editors of the 'Nomasticon'[7] term it, cannot now be exactly determined; but it was probably put in its

[1] Cf. *Exord. Mag.*, dist. i., chs. vii. and ix., on Cluny and its fall from high ideals.

[2] By this is meant merely that in elections etc. all professed monks had the same theoretical rights, though often practically the matters were decided by the powers in authority; and again at the annual chapters general apart from the question of precedence the proceedings were nominally of a democratic—or ought it to be called oligarchic?—character.

[3] *I.e.* in the Carta Caritatis (Migne, *P. L.* 166, 1380), ii. § 9, the superiors are called 'abbates'; and *cf.* Gulielmus' (1st) *Life of St. Bernard*, ch. v. 'Quibus abeuntibus ipsum etiam dominum Bernardum præfecit abbatem' etc.

[4] *Cf.* Carta Carit. ii. § 9: 'quattuor primi abbates,' and *ib.* iv. § 19.

[5] *Exord. Mag.* i. 21 (Migne, *l.c.*, 1017, B and D), 'consilio fratrum suorum' and 'cum conniventia coabbatum et fratrum suorum.'

[6] Decretum, *Exord. Magn.* i. 21, and the old introduction to the Carta Car. *Nomast.* p. 68. Tissier, *B.C.* i. 9, calls it a 'decretum.'

[7] Preface, v. (ed. 1892. The 1664 ed. I have not been able to see).

final form about the year 1117.[1] The document cannot have taken its final form until after the foundation of Morimond, the last of the original offshoots, as there is constant mention of these four houses as well as of Cîteaux itself in the Carta Caritatis, and the manner of their mention shows that they are an integral part of the scheme of government and regulation as foreshadowed and explained by the Carta Caritatis. Further, the old introduction to the Carta Caritatis seems to show that it was before any great developments of the order that the document was drawn up.[2] Mabillon[3] would assign the arrangement of the details of the document to the deliberations of the first two chapters general, the first of which, no authority being cited, he assigns to 1116;[4] but the chapters general must have been quasi-informal until the ratification of the Carta Caritatis by Papal authority, *i.e.* until 1119, as the Carta Caritatis rather creates the chapters general as a regular institution than is their creation.[5] Consequently it may be conjectured that the years 1116 and 1117 were occupied by committees in drawing up and formulating the decisions afterwards embodied in the Carta Caritatis. Stephen, recognising, as Albericus had done before him (perhaps at Stephen's instigation), that, to avoid

[1] It must be after the foundation of Morimond, *i.e.* after the end of 1115. Mabillon says (*Ann. Bened.* v. 617) that the first general chapter was held in 1116 (on what authority is not clear), and that thenceforward it was held yearly, and that the Carta Carit. was probably drawn up at the first two chapters general, though not published till the fourth (*sic*); but at the time of the fourth, *i.e.* in 1119, the document was presumably in the hands of the Roman Curia, and so can hardly have been published in that year, as it would be too late for confirmation that year by the chapter general, being confirmed by the Pope in December, unless Mabillon refers to the authorisation by the chapter general, held early in the year (which would be contrary to the usual practice), to get Papal recognition of the document.

[2] 'Antequam abbatiæ Cistercienses florere inciperent,' etc. As in most editions of the Carta Caritatis, *e.g.* in Guignard, *Anal. Divion.*, Migne, *P. L.* 166, 1377, *Nomastic. Cisterc.* (ed. 1892), p. 68 etc.

[3] *Ann. Bened.* v. 617.

[4] There are no records extant of the earlier chapters general.

[5] The wording of *Exord. Magn.* i. 21, is too indefinite for any theory of chapters general previous to 1119 being built upon it (Migne, *P. L.* 1017, D); nor do Martène and Durand, *Nov. Thes. Anec.* iv., Pref. iv., give any authorities for their assertion of chapters general before 1119.

controversy and to ensure security against the enemies of the Cistercian order, it was necessary to secure Papal authority, sent an embassy to Rome with the Carta Caritatis very likely some time late in 1117 or early in 1118. But it was too late to secure Paschal's ratification, and the short reign of Gelasius would hardly afford them sufficient time to get introductions and support from him; but the advent of Calixtus—the Guido, archbishop of Vienne, who had been such a good friend to the Cistercian order—would open up brighter prospects to them; and before the end of the first year of his pontificate they had obtained a bull giving a permanent basis to the first great constitutional document of the order.[1] The date of the bull[2] is December 23, 1119,[3] and consequently the first chapter general of a formal nature would be held in 1120, and from this time, by the terms of the Carta Caritatis, chapters general would be held yearly.

The actual contents of the Carta Caritatis may be briefly summed up as follows, the whole falling under four headings, which have been developed in five sections. In the first place the rule of St. Benedict was to be universally observed[4] in all houses of the order, and all customs and ceremonies were to be identical with those in use at Cîteaux, or the New Minster, as it was still termed. Secondly, arrangements were made for the visitation of Cîteaux by the abbots of four chief houses, and of these four by the abbot of Cîteaux once a year, with certain other details as to precedence etc. Thirdly, the system of a yearly chapter general of all the abbots of the order was instituted, with regulations as to attendance,[5] agenda, and procedure. And lastly, in chap-

[1] The previous bull of Paschal in Alberic's time founded Cîteaux as a permanent institution; the Carta Caritatis founded the order, or at least put it on a permanent and carefully organised basis.

[2] It was confirmed later by Eugenius III., Anastasius IV., Adrian IV., Alexander III., and on several other occasions (see *Nomast. Cisterc.* ed. 1892, Pref. v.).

[3] The date is given in Henriquez's copy (*Regula*, p. 52, Privilegium, ii.).

[4] Ch. i., § 1.

[5] The yearly attendance is noted in the *Exord. Magn.* as one of the most important of the regulations of the Carta Caritatis (i. 21; Migne, § D).

ters iv. and v., there were outlined arrangements concerning the election of abbots, both of Cîteaux and of dependent houses, the unpleasant but necessary topics of depositions [1] and punishments of bad and unsuitable abbots—a very necessary part of monastic organisation, as seen in frequent instances in the tenth and eleventh centuries—and the manner and power of retirement from the abbatial position. Thus the society was started on a sure basis, with a constitution [2] that at least tried to put both centralisation and devolution in their due proportion. All that remained was to settle certain details of religious and domestic economy, and these are to be found, probably in nearly their original form, in the 'Usus Antiquiores Ordinis Cisterciensis,' [3] as printed by Guignard, or in the 'Nomasticon.' The exact date when these were put in their final form is hardly to be discovered, but tradition [4] assigns it to Stephen's time, and at all events a considerable portion of its arrangements must date back to his time,[5] as writers such as William of Malmesbury [6] appear to have drawn from some such source, and many such regulations must have been soon required. The rest of Stephen's doings, his resignation and the succession of the unworthy Guido or Wido,[7] his deposition, Raynard's [7] accession to the abbacy, and his collection of the decrees of

[1] Even the abbot of Cîteaux could be deposed by the chapter general, as was done in the case of Stephen's successor, Wido or Guido, often omitted in lists of abbots of Cîteaux (see *Exord. Magn.* i. 23).

[2] The Carta Caritatis was imitated by other monastic groups, *e.g.* by the Benedictine house of Calesium in the diocese of Grenoble, and its offshoots of Alba Vallis, Lura, Boscodunum, Tornamia, etc., at a chapter general held at Calesium in 1148 (see the document in Martène and Durand, *Nov. Thes. Anec.* v. 1211 ff.

[3] Or Liber Usuum (see *Nomast. Cisterc.* Pref. v.).

[4] And the *Magnum Exordium*, i. 21; at least the capitula mentioned as being in the Liber Diffinitionum may refer to these Uses, though the reference might conceivably be to the Carta Caritatis itself.

[5] Such arrangements there must have been; and see Guignard's Preface.

[6] *E.g.* in giving details of manner of singing hours, the tones in use, etc. William of Malmesbury probably wrote this part about 1125 (see Dr. Stubbs's Introduction).

[7] See Ordericus Vitalis, viii. 25 (Migne, *P. L.* 188, col. 641). Raynard succeeded in 1134 to the abbacy, and by that time sixty-five abbeys had sprung up.

the chapters general under the title of 'Instituta Capituli Generalis' in 1134 [1]—all these carry the history of the order beyond its Origines, and are rather part of its great development and expansion. The history of the Origines has been traced from the first conception of the idea of a reformed community in the minds of certain pious monks of Molesme until the time of the final establishment of the order on a permanent basis by the drawing up of a deed of federation between the father house and the daughter houses whereby the original monastic settlement expanded into an order of limitless possibilities, Cîteaux being no longer a new isolated community, but the pivot on which depended a whole network of houses, themselves the homes of a stern, energising body of workers of Puritan zeal and ideals.

Thus then grew from a humble beginning this home of religion and learning that was to be the parent of so many [2] and such famous offspring, some at least of these excelling it in renown. Originating hence, the community became an order, and was to spread all over Christian Europe, and in later years beyond its bounds. The Cistercians were to become the wealthiest and strongest of the mediæval religious communities, and were to build stately minsters that even now in their ruins excite wonder and admiration, and were to become the favourites of numerous Popes, and their houses the constant subject of internal reforms, each reform striving for a return to original simplicity. The original house of Cîteaux and its four daughter-houses were to expand into many hundreds—perhaps thousands—of dependent houses, so that the simple yet comprehensive words

[1] Printed under the title of 'Consuetudines' in Guignard, *Analecta Divion.* pp. 250–75, or in slightly different order in Migne, *P.L.* 181, col. 1723 ff. Selections called 'antiquissima statuta capituli generalis ordinis Cisterciensis' are given by Martène and Durand, *Nov. Thes. Anec.* iv. 1243–4. They are obviously selections from these older Uses, selected for some purpose, though why they should have been preserved in the library of the monastery of B.M. de Josaphat at Chartres is not so obvious.

[2] The numbers vary from Visch's 1,000 and Paradinus's 1,800 to Henriquez's 10,000. See *Fasc.* p. 11, and *Menolog.* p. 91; and Bollandists, April 29 (iii.), col. 662.

of one of our English archbishops seem to sum up the whole matter neatly when he says:

'O Cistercium, quam magna est domus tua.'[1]

And here may be left the account of the Origines Cisterciensium, for all else relates to its subsequent growth—not its foundation—which was doubly assured by the ratification of the Carta Caritatis and the spontaneous growth of what was thenceforward an order; no longer a single monastic community even of the Cluny type, with subject priories, but a federated union of father and dependent, yet not subject, abbeys.

[1] Richard, Archbishop of Canterbury and legate, *Ep.* 96.

THE 'DENARIUS SANCTI PETRI' IN ENGLAND

COMMUNICATED BY THE REV. O. JENSEN, Ph.D.

I

THE later Anglo-Saxon kings in disfavour with the Pope, who favoured Duke William and in return demands Peter's pence from him—Letter from Gregory VII. to King William, 1074—Demand made through Hubert, 1080—William promises Peter's pence, but refuses oath of fealty—Letters from Gregory VII. to Lanfranc, March 25, 1079; to Hubert, September 23, 1079; to King William, April 24, 1080—Letter from Urban II. to Lanfranc, April 10, 1088; from Paschal II. to Anselm, 1101; to Henry I., March 30, 1115; to the English bishops, May 24, 1116—Letter from Anselm to Gundulf of Rochester, 1103.

UNDER the later Anglo-Saxon kings the relations between England and Rome were not as good as in earlier times. Peter's pence were no longer sent from England according to custom. Canute's letter (cited in a previous paper)[1] bears witness to this negligence, which increased after his death. The laws regulating the payments were not enforced. The Papal Court only received gifts and offerings from England sent direct and voluntarily by private individuals. Occasionally Peter's pence were offered on the altars of the churches, but these went only into the bishop's treasury.[2]

This was one of the causes of the unfriendly attitude towards England assumed by the Curia at this time. Kinsmen of the Anglo-Saxon royal family were treated as 'membra

[1] *Transactions of the R. Hist. S.* xv. 193.

[2] Comp. Garampi's speech on the Papal jubilee, May 11, 1750.

mali capitis Satanæ.'[1] They were treated as 'perverts and rebels' who had led the people from the path of truth. The English bishops were accused of simony, though this evil was nowhere so rife as at Rome itself. Accusations against Englishmen were heard with willing ear. Thus, for example, without further inquiry or consideration, Harold, Godwin's son, was condemned as 'faithless and forsworn.' There was no one in Rome to defend Harold's cause, while the Duke of Normandy had influential advocates, and the Curia gave verdict in favour of William and fostered his ambition in every way. The land and possessions of the English were promised, in the name of the Apostle Peter, to the Normans, and free pardon for all their sins was granted to them.[2] The Pope recognised the duke as true heir to the English crown, while Harold was excommunicated as a rebel, and with all his people was placed under the ban. William was recognised as the heaven-sent avenger of this faithless and forsworn nation. He was also to lead back the poor erring people to the path of truth, teach them the obedience owed to Christ's Vicar, and enforce a more regular payment of the offerings due. The Pope sent with his blessing splendid gifts to the duke, including a consecrated banner and a golden ring set with a costly jewel containing a hair from the beard of the Apostle Peter.

When the conquest was achieved, the Curia did not delay to remind King William of his promise and of his debts to Church and Pope. In the letter already cited[1] the Pope gives a short summary of the relations between England and Rome from the earliest times onwards, and he reminds King William of his duty to the Church. 'Ever since the name of Christ has been worshipped in England that realm has been under the guidance and protection of the Papacy, and in gratitude for the spiritual gifts received, the Angles, so long as they remained faithful, in pious submission have

[1] Comp. Letter from Pope Alexander II. to King William. In Jaffé, *Regesta pontificum Romanorum*, ed. Wattenbach, No. 4757.

[2] Comp. Freeman, *Norman Conquest*, iii. 320 &c.

sent an annual offering to the Papal chair as an expression of their loyalty until that time when certain persons threw off the covenant with God, and led the Angles away from the path of truth.' Although this letter of Pope Alexander II. to King William is only partially preserved, its meaning is clear enough, viz. that, the Apostle having given victory to William, it was his duty to restore good relations between England and Rome, and to send the annual offering of Peter's pence.

Such demands fell on fertile soil. King William endeavoured to carry them out. His letters, as well as his code of laws for the Church, give proof of this. These demands from Rome were repeated and urged more pressingly by the succeeding Pope, Gregory VII., who formerly, as Archdeacon Hildebrand, had approved and supported the projected conquest. He claimed that the Church and the Papacy should reap high honour and great reward for the victory gained. In a letter [1] dated April 4, 1074, to William, the Pope wrote: 'As you grieved sorely at the widowhood of the Church after the death of our predecessor, so rejoice now in our election. You have shown the submission of a good son. Fulfil now by your deed, beloved son, that which you vowed with your mouth. Carry out what you have spoken, so that you may be in accordance with the saying, "Who loves me keeps my word." We advise, command, yea, beseech you that you, for your honour and the world's sake, render honour to God and all that is His. If we have sought to sharpen your zeal for this, it is because we believe you among kings to be the only one who loves God before all else.

'Concerning the Peter's pence to be collected in England, we charge you to watch over it as it were your own revenue. We leave the matter to your generosity, that you may find a good and kindly creditor in Peter, and that you may require him to help you according to your deserts. If you give him much, he will not overlook it.'

[1] Jaffé, *Bibliotheca rerum Germanicarum*, ii. pp. 89–90.

Gregory's meaning is similar to that of Alexander in his letter already referred to, viz. that if Peter's pence be freely given, the king would have the protection of the Papacy against any danger with which he might be threatened. As William cherished feelings of friendship and gratitude to the Papal chair, the payment of Peter's pence seemed to him a just demand confirmed by former usage. However, in spite of the king's good intentions the fulfilment of the Pope's claims was delayed for some time by various causes. When peace and order were re-established in England, the king frequently made long sojourns in Normandy. The government of England and the levy of taxes and offerings, including Peter's pence, were deputed to ministers. These were either lacking in zeal or encountered difficulties and opposition when they pressed for Papal dues. The Anglo-Saxon peasantry, oppressed and poor, had not the wherewithal to pay; and the haughty Norman nobles did not wish to pay. Thus during three years (1076–1079) Peter's pence were either not paid or only paid in part. Gregory, however, did not cease to demand his dues. In the meantime a new claim had arisen. The Pope, according to custom, had invited[1] the English bishops to attend a synod at Rome, but the king forbade the bishops to go, ordaining that no priest, English or Norman, might journey to Rome without his sanction, nor any appeal be made to the Roman Court except on his initiative. The Pope frequently expressed his indignation at this prohibition. For instance, in a letter[2] of March 25, 1079, to Archbishop Lanfranc, after describing his especial affection for King William, he confesses his fear lest ambition or pride should again possess him, and he charges the archbishop as royal councillor to urge him diligently to open his heart and act conformably to the will of the mother of all, the Roman Church, and not to countenance or undertake any-

[1] Letter dated August 28, 1074. Comp. Jaffé, *Bibliotheca rer. Germ.* ii. 108.

[2] Jaffé, *Bibl. rer. Germ.* ii. 366; *Gregor VII.*, ep. vi., 30 &c. Comp. *Opera Lanfranci*, 305, Ep. viii. a.

thing hostile to the spiritual power of the Church, and lastly, not to restrain the pious desire of the archbishops and others to visit Rome.

These complaints are repeated more strongly in another letter,[1] September 23, 1079, from the Pope to the Subdeacon Hubert, his legate in England. Gregory VII. was greatly vexed at the length of the stay made by his legate in England. 'How little store,' he writes, 'I set by money if it be paid without reverence, you have long since been able to judge,' adding 'Be sure to return as soon as possible.' No king hitherto, not even a heathen, had so obstinately defied the Papacy as to keep their bishops and archbishops away from Rome. 'Warn him, in our name,' he continues, 'not to break his allegiance to the Roman Church. He would scarcely brook that his subjects should not pay him allegiance. Urge him to seek to gain the favour of St. Peter by showing the gratitude which is due. Hitherto we have spared him, notwithstanding his backsliding, but if he does not alter his course on these and other matters let him know that he has aroused against himself the wrath of St. Peter. Lastly, in the Apostle's name you shall bid both English and Norman bishops, at least two out of each arch-diocese, attend the Synod at Rome to be held in Lent. If they show that it is not possible to come at that season, then they must come without fail after Easter.'

Gregory in this letter has clearly widened his claim. It is not only the annual offering of Peter's pence that he demands from William but the obedience due from a Papal vassal. The Subdeacon Hubert was charged to arouse King William to a sense of his duty. Lanfranc also received instruction and special charge in the matter. Lanfranc assured[2] the Pope that he had advised the king, but had failed to convince him. No Papal letter is preserved in which this claim is made directly, probably because the Papal legate Hubert received verbal instructions, and because

[1] Jaffé, ii. 379–381.

[2] Comp. *Opera Lanfranci*, p. 305, Ep. viii. a.

he was directed to expound both claims in person, yet the king's decisive reply exists. He admits that his predecessors were accustomed to send Peter's pence, and he willingly acknowledges it to be his duty. That the sending of the offering has lapsed for a time is due to circumstances of which the king either had no knowledge, or over which he had no control. Without hesitation he promises that, now through God's mercy he has returned to his kingdom, the sums up till then collected for this purpose shall be sent to Rome by the legates when they return. The remainder shall be sent at the first best opportunity by the hands of the envoys of his faithful Archbishop Lanfranc.

On this and on other points the king and Pope were able to come to some kind of understanding. On the second claim agreement was more difficult to arrive at, nay impossible. The Pope insisted on the supremacy of the Church, *i.e.* the submission of the English king as of other princes of Christendom to the Pope. This demand, as far as it concerned the English king, was a new and bold step on the part of the Pope, though it was foreshadowed in the negotiations and events of 1066. It was not, however, new to the rest of Christendom. It was a part of the Hildebrandian policy unfolded in the second half of the eleventh century, that all kingdoms and princes of Christendom should be united by their oath of fidelity in submission to the Papacy. It is beyond the scope of this essay to trace the means by which this end was to be attained.

A few examples will suffice to show how far Gregory VII. had developed this idea in other lands, and what his aims with regard to England were in 1080.

When Demetrius,[1] as Duke of Dalmatia and Croatia in 1076, received from Gebitzo, Papal legate, the banner, sword, sceptre, and crown, and the title of king, in gratitude for the Papal gift he swore the oath of fidelity as vassal of the Papal chair. He bound himself and his successors on the throne that henceforth every Eastertide they should send an offer-

[1] Comp. Maurtori, *Antiquitates Ital.* v. col. 840–841.

ing to St. Peter (*i.e.* Peter's pence) of 200 bezants from the realm he had given to them.

Again, when, in the middle of the eleventh century, Norman princes[1] established themselves in Apulia and Calabria, and gradually usurped these provinces, not respecting even the boundaries of the Papal States, there was great wrath in Rome, and the Pope Leo IX. outlawed the robbers. But when Robert Guiscard cunningly sent ambassadors to Rome offering to render due compensation in order that he might win the recognition of Pope and Church, then Nicholas II. willingly granted his request, and summoned a synod at Melfi (1059) for this purpose. Here the interdict against the Normans was removed, and pardon granted, and mutual understanding with Rome arranged. A banner was handed to Duke Robert Guiscard ; Apulia and Calabria, with the title of Duke, granted as fief of the Roman Church ; and the island of Sicily, of which he had already planned the conquest, was in its entirety granted to him in the same arbitrary manner. The rights and duties of the new duke towards the Roman Church are set out at length in two documents now extant.[2] According to the one, Robert swore, in the usual feudal form, fidelity and obedience as vassal for the said provinces to the Pope and his lawful successors. According to the other, he promised under oath that he and all his heirs and successors thereafter should send every year at Eastertide an offering of Peter's pence at the rate of twelve Pavia pence for every yoke of oxen, and this offering should be made to their liege lords Nicholas and all his successors. This feudal tie between the Papacy and the Norman conquerors of South Italy was renewed and strengthened by the succeeding Pope, Alexander II., and again with great ceremony by his successor, Gregory VII. at a meeting of the Norman nobles in Ceprano, June 29, 1080.[3]

Such examples might easily be multiplied ; these, however,

[1] Comp. Giesebrecht, *Geschichte der deutschen Kaiserzeit*, III. i. p. 49 &c.
[2] Comp. Watterich, *Pontificum Romanorum Vitæ*, i. 233–234.
[3] Comp. the documents in Jaffé, *Bibl. rer. Germ.* ii. 426–428.

are sufficient to show the policy of the Papacy, and in what way it was regarded in Christendom at large. According to generally received opinion, the Pope, as Christ's Vicar on earth and successor to the Apostle Peter, had the right to invest with crown and sceptre, or other symbol of rank, any one who seemed to him worthy. And in return for this the Pope claimed and received oaths of homage and allegiance of the prince in question as well as the promise of a yearly offering of Peter's pence, the collection of which was as a rule a burden on the people, the rate and manner of collection differing in different countries. In the two instances cited we find that the two obligations (allegiance and promise of Peter's pence) are closely connected and imposed together. The twofold obligation not only proves the absolute dependence of the prince and his people on the Papacy, but also their independence of all other temporal power.

Gregory VII. wrote[1] in 1074 to King Salomon of Hungary, who had been crowned by King Henry IV., that the sceptre of the kingdom could not be given by kingly power, but only by the Pope's majesty. 'The kingdom of Hungary is a possession of the Holy Roman Church, given to St. Peter by King Stephan I. with his full right and power.'

Again, in 1075 Gregory wrote[2] to Geusa, Duke of Hungary, that when his kinsman King Salomon had seized the kingdom from the German king he had contravened the divine right of the Papacy. The 'kingdom of Hungary must be independent, not subject to the king of another realm, but only to the mother of all, the Roman Church, who does not treat her subjects like slaves, but receives them all as her sons.'

When the Norman conquerors of South Italy assumed these obligations, their intention was to gain Papal protection for the lands they had already conquered and those they intended to conquer. Robert Guiscard and Roger thenceforth assumed the title of 'Dukes by the grace of God and

[1] Jaffé, ii. 127–128. [2] *Ibid* ii. 183–184.

St. Peter.' And every time when they or their successors made new conquests, they renewed their vow of allegiance to the Pope and to promise an increased yearly offering. Similarly when Duke Demetrius gained the crown of Croatia and Dalmatia he so secured himself under the protection of the Apostle that no one could rob him of his power with impunity.

It was in pursuance of this policy that the Pope, through the Subdeacon Hubert, placed his demands before William. The king, however, no longer feared that anyone would rob him of his kingdom, and he replied, 'I have not rendered oath of allegiance yet, nor will I do so in the future, although your legate Hubert demands it of me. I neither promised this myself nor have my predecessors ever rendered such an oath to your predecessors.'

What was the Pope's answer to this defiant refusal? He made no immediate reply in words or deed. Other political considerations occupied his attention at the time, and before long we find him again addressing William as his beloved son. While the Pope then in his letters[1] to the English king alluded to the unspeakable evil which 'our mother Holy Church must suffer at the hands of her worst sons,' he at the same time reminded his 'most beloved' son of the great need for him to come to his aid. He recalls the zeal with which he had striven to help William to reach the royal dignity. 'Trusting in your virtue I hoped that, through the mercy of God, the higher you ascended the better you would serve God and Holy Church, growing from a good man into a better, as now you have proved yourself, God be praised. For the sake of your honour and your salvation I admonish you, in sincere love, to show full obedience, and, as by God's help you are already a jewel among princes, so must you now be a model of justice, an example of obedience to all the rulers of the earth.'

In another letter[2] to William, Gregory again sought to

[1] Comp. letter of April 24, 1080, Ep. vii. 23, in Jaffé, ii. 414-416.

[2] Letter dated May 8, 1080, in Jaffé, ii. 419.

make good his claim, comparing the apostolic and kingly dignity to the sun and the moon. William, however, remained proof against the Pope's letters as against the arguments of the legates specially instructed to persuade him to obedience. Gregory at last abandoned the attempt, nor was the claim renewed by his successors.

Peter's pence were regularly demanded and granted. In a letter [1] of April 10, 1088, of Pope Urban II. to Lanfranc, he writes: 'Inasmuch as we know you to take a foremost place in the service and defence of the Church, we beseech you, after your understanding and your means, to stretch out your hand to the help of the Roman Church. Strive to bind it together in unity of Catholic custom. And if you, through the divine wisdom which is yours, find anything unfavourable or hostile to Papal authority, then correct it carefully, or stamp it out boldly. You are also to arouse the king, our beloved son, and admonish him that he too after his manner, by his counsel and support, may help to raise to honour his mother the Church of Rome, who suffers under many dangers and dire necessities, and as it is in times of need that a true friend is known, let him now give heed to her necessities, and if he yields her fealty now let him do so piously and generously. As for the offering which St. Peter generally receives from this kingdom, let the king see that it is sent as soon as possible, so that he may gain the protection of St. Peter and of us. Further, we commend to you the bearer of this letter, Cardinal Roger, our beloved son, subdeacon of our Church, and we beg that you will give him all help in this matter as heretofore.'

From this letter it is clear that Urban II. still attributes to the offering of Peter's pence the significance already described, but although he alludes to allegiance he makes no direct claim for it. Also it appears that Urban sent Cardinal Roger to England in 1088 in the service of the Apostle, *i.e.* to raise Peter's pence, for the Pope charges the archbishop

[1] In Aug. Theiner, *Disquisitiones Criticæ*, xv. 207.

to give all help to the Cardinal in this matter. Lastly, we see that the English Peter's pence were not sent regularly after the death of William the Conqueror.

Further light is thrown on this last point by a letter[1] from Pope Paschal II. to Anselm in the year 1101. After congratulating the archbishop on his return from exile the Pope continues: 'Now that you have learnt by your own experience the storms which rage against the Roman Church, you shall the more zealously endeavour to bring back the Church safely into port. First, you shall strive that the Church in England be organised conformably to the precepts of the Roman Church. Secondly, you shall with all zeal seek to bring about that the king acknowledge allegiance and submission due to us, and also that the offerings of Peter's pence be again duly paid. It must be well known to you how greatly we are embarrassed for lack of means. The work of the Roman Church concerns all the churches, and each one that sends her offerings thereby acknowledges her obligations to all the others. For these reasons we send John Bishop of Tusculum and our trusty Tiberius. And we beg you to do all that in you lies, by counsel and assistance, to help them. Through these men the Roman Church will know effectively the extent of your wisdom and piety.'

This letter is interesting for various reasons. Peter's pence are, as in the previously quoted letters, described as 'census,' a tax due to the Roman Church.

The word so used anticipates the claim made later by the Roman Church to various offerings. The payment of Peter's pence is treated here as an obligation, although the same Pope in another letter[2] to the English clergy (dated May 1116) describes Peter's pence as a gift to St. Peter. In this letter it is again made evident that the connection which Gregory VII. vainly attempted to establish between Peter's

[1] In Jaffé—Wattenbach, *Regesta*, no. 5883. Comp. *Anselmi Opera*, p. 382.
[2] *Ibid.* no. 6525.

pence and the oath of allegiance continues still to be the ideal at which the Pope aimed. He took no step, indeed, to realise this ideal, but he did not forget it; while in his letters he treats the two claims as connected with each other in theory, he makes serious claim to Peter's pence only.

Other letters give further evidence of the demand of the Pope at this time for the co-operation of the archbishop. Anselm writes[1] in the spring of 1103 to Gundulf, bishop of Rochester: 'I shall be glad if Romescot be included in the moneys due to be paid by you, and I gratefully await the fulfilment of your promise to pay this offering to me. You have done well in that you communicated to me the conversation which passed between you and the king concerning me and my journey, as well as the letter which, according to his statement, was sent to me and him by the Pope. But you must know that I have received no letter nor any communication from the Pope since I left you, except that he has charged me through Tiberius to help him with the Romescot. So I know nothing of a letter from the Pope to the King except what you have told me.'

As long as there was a Papal legate in the country with the special mission of collector, the archbishop was necessarily subordinate to him, and was under Papal command to help the legate, as one being familiar with the conditions of the country and his own diocese in particular. Otherwise it was as a rule the archbishop who was responsible for the raising and correct payment of the offering. In a letter[2] of May 8, 1110, from Pope Paschal II. to the Danish bishops, the charge is given to each bishop and to the archbishop of Lund in particular to assist in the levy of Peter's pence. Whereas the raising of the money was a paid office for a specially appointed Papal collector, the duty was imposed on the bishops as a labour of love, and they were reminded that the Roman Church would suffer no fraud,

[1] The letter in Jaffé—Wattenbach, no. 5947. Comp. *Opera Anselmi*, p. 398.
[2] In Muratori, *Antiquitates Ital.* v. 891 &c.

but the full amount must be sent honestly and without deductions.

This business was undertaken for England by Anselm, as is evident in another letter[1] from him to Gundulf. The letter is dated from Bec, in Normandy, in 1103, where the archbishop was staying on his way to Rome. He begs the bishop to pay in his name the sums owed in England and to send by the bearer Ansfredus with all despatch all the money available from the revenue of the archbishopric. 'The payment of Romescot can wait until Michaelmas day, but you must take care that the gift is paid with no abatement.'

Before long Paschal II. found cause for displeasure in the manner in which the Peter's pence from England were paid. His displeasure vented itself first on the king, Henry I., as the most blameworthy in the matter, 'for without your will nothing can be done in the land.' In a letter[2] dated March 30, 1115, the Pope complains among other things that the gift to St. Peter was collected so fraudulently that the Roman Church received scarcely half the sum due. The same complaint is made by Paschal in a letter[3] to the archbishop, bishops, and abbots of England, dated May 24, 1116, in which he points out the fraud and the lack of zeal and the delay in collection.

The Pope closes his letter to the king with the demand that at the Papal request the king shall order a more complete levy, and send the money back by the bearer of the letter, Anselm Abbot of Santa Saba.

II

Gilbert Foliot, Bishop of London, as intermediary for English Peter's pence, 1163–1187.

The responsibility of collecting Peter's pence and sending it to the Papal See usually fell to the Archbishop of Canterbury. The tedious struggle, however, between Henry II.

[1] In *Opera Anselmi*, p. 434.
[2] In Jaffé—Wattenbach, no. 6450. Comp. *Mansi*, xx. 1066.
[3] *Ibid.* no. 6525. Wilkins, *Concilia*, i. 377.

and Thomas Becket led to a different arrangement. When Richard Belmeis, bishop of London, died in 1162,[1] Henry desired that Gilbert Foliot, bishop of Hereford, should be translated to London. The Pope gave his assent, and for some years after this the bishop of London instead of the archbishop of Canterbury was the trusted intermediary between both the king and the Pope, and the Pope and other English bishops. In a collection of extant letters written to and by Gilbert Foliot, bishop of London, there are various references to the English Peter's pence, which throw some light upon the several aspects of this offering.

In a letter[2] of June 8, 1165, Alexander III. bids Gilbert Foliot go to the king, with Robert, bishop of Hereford, and admonish him to make satisfaction to the Pope for his transgressions; to refrain absolutely from evil deeds; to show customary reverence to the Roman Church; not to detain any who wished to come to Rome; to put no hindrance in the way of free appeals to Rome; to recall Thomas Becket to Canterbury; neither to burden clerks of churches in the kingdom or on the archbishop's own lands, nor to suffer anyone else to burden them. 'The administration of the affairs of the Church,' the Pope wrote, 'we entrust to your experience with full confidence. Therefore we command you to faithfully collect Peter's pence for the present year throughout England, and to make no delay in sending it to us as quickly as possible. We also ask you, while you are making the collection, to look zealously after our interests, and either out of your money or from a loan to send us the sum in advance before August 1. You will recover the amount afterwards when you have finished collecting it. When we receive it, we shall be as grateful to you as if you had made us a present.'

Some time afterwards the bishop wrote a reply[3] to the Pope. In obedience to his commands he had gone with the

[1] Comp. Stubbs, *Registrum*, p. 47.
[2] In Jaffé—Wattenbach, no. 11205.
[3] In *Rerum Britannicarum m. ævi scriptores*, no. 67, 5, p. 203–209.

bishop of Hereford to the king. The latter affirmed that he had never detained any who wished to visit his Holiness, nor would he ever detain anyone. The bishop requested the Pope to show clemency to the king. 'As for the offering of Peter's pence,' he continued, 'no one would have made the smallest return to me, if the king had not issued a general mandate. In accordance with this mandate the money will be collected within the customary time, and, with God's help, it will be transmitted by our hand to your Holiness. If we have not sent the sum to you on the appointed day, we beseech your grace to hold us excused. For God is our witness that we do not possess this sum, nor can we get a loan. For the lord king's army draws everything to itself, and almost everything in the kingdom accompanies or follows its lord.'

On August 22, Alexander III. wrote a second letter[1] to Gilbert Foliot. The Pope reminds the bishop not to slacken in his efforts to recall the king to the maintenance of the rights of the Church, and to admonish him to restore the archbishop to his favour. 'If the king will show the same reverence and honour to the blessed Peter, in our person, as he did at first, we will love him with warm affection, and devote ourselves to the preservation of the kingdom entrusted to him. For we would rather win him through patience and gentleness than oppress him in any way. Moreover, we request you of your integrity, as soon as you have finished collecting Peter's pence (for which we wish you to direct all zeal and diligence, as we have already made known to you in other letters), to send it in all haste by a trusty messenger to our beloved son, the abbot of St. Bertin, and to signify it to us as early as possible.'

Before Gilbert Foliot had received this letter he wrote[2] again to the Pope on this subject. 'We are despatching the business which you entrusted to us of collecting Peter's pence with the utmost diligence: and although we have not yet received the whole sum, we are making anxious inquiry

[1] In Jaffé—Wattenbach, no. 11237.

[2] The letter in *Rerum Brit. m. ævi script.* no. 67, 5, p. 209.

as to the manner and the security by which we can send you the full amount. And as our own counsels do not entirely satisfy us, we have decided to ask advice of your Holiness. . . . We make no mention here—our conscience is our witness—of our own labour and expense, but we fear that the money might run risks. Therefore we entreat your Holiness, if it so please you, that your messengers may meet our messengers about October 1 at Rouen, and that either they shall there receive the amount sent, or shall entrust the execution of the business to a faithful friend of yours, as your authority shall decide.'

Shortly after Gilbert Foliot had received the letter sent previously by the Pope, he wrote [1] to the king on this matter: 'We have lately received a command from the lord Pope to collect Peter's pence from our brothers and fellow-bishops, and to send it to him as quickly as possible by his messengers. But because this matter depends entirely upon your mercy and it cannot be accomplished except through you, we make it known to your Excellency, so that, if it please you, you may write to your justices [2] about it, and order that it shall be done, according as you think well. But we desire that the divine sanctity may possess your heart, and so dispose and guide your doings that you neither offend God nor give just cause and ground of complaint against you or your kingdom to the lord Pope, for we know that he loves you dearly.'

In the above letters exchanged between the Pope and the bishop of London, the subject under discussion was the sending of the money collected in the safest and quickest way. In the following correspondence another aspect of the matter was brought forward. Gilbert wrote thus to the Pope [3]: 'We have shown the utmost care and diligence in collecting Peter's pence. We admonished our beloved brothers in Christ and fellow-bishops, whose dioceses are liable in this

[1] The letter in *Rer. Brit. m. ævi script.*, no. 67, 5, ep. 107, p. 202–203.
[2] Comp. Pollock and Maitland, *History of English Law*, 539, and note 3.
[3] In *Rer. Brit. m. ævi script.* no. 67, 5, ep. 110, p. 210–211.

respect, according to the tenor and contents of the documents for which we had careful search made in the archives of Canterbury. Almost all of them have acknowledged and paid over the amount except our reverend brother, the lord bishop of Exeter,[1] who refused to recognise the sum fixed for his diocese, and offered less than was demanded by reason of the writing. He then took back all that he had offered, and though we have repeatedly admonished him, hitherto he has held back from all payment. We have sent the whole of the remaining sum, however—that is to say 200*l.*—9*l.* 5*s.* 0*d.*, which ought to be paid by our aforesaid brother—to the abbot of St. Bertin—by a trusty messenger, according to your command which reached us through a brother sent by him. Your Holiness will make what arrangements you please about the remaining portion to be paid; for we keep our office within the bounds of your command, neither admitting claim to offer less, nor exercising any coercion against a refusal to pay.'

The following letter[2] from Alexander III. to Gilbert was apparently written about the same time (in 1166), and with some divergence on one point, viz. the opposition encountered, it deals with the same subject. The Pope commands the bishop so to conduct himself that no unfavourable reports concerning him should arise or be noised abroad, and that the privileges of the Church should suffer no diminution through him. 'Accordingly we charge[3] you to send the full weight and measure of the Peter's pence owing to us from England to the abbot of St. Bertin. Moreover, we will not conceal from you that our reverend brother, Bartholomew, bishop of Exeter, has made known to us that he has not diminished the Peter's pence, but he was the first or among the first to pay over the whole sum due from his diocese.

[1] Bartholomew, bishop of Exeter, May 4, 1162, d. 1184. Comp. W. Stubbs, *Registrum*, 2nd ed. p. 48.

[2] In Jaffé—Wattenbach, no. 11306.

[3] Comp. letter from Alexander III. to Gilbert Foliot (1166?) in *Ep. S. Thomæ Cantuar.*, ed. Giles, ii. ep. 284, p. 100–102.

Therefore our will is that the past deficiency should be made good, and henceforth the full amount shall be collected.'

Two letters written by Gilbert[1] to Henry II. belong to the same subject. The bishop of London writes: 'We have collected the Peter's pence with the exception of 42*l.* from the diocese of Lincoln and 5*l.* from the diocese of Ely,[2] which we have not yet received. We have long detained the messengers of the lord Pope, viz. eight Flemish merchants who lent him 300 marks at Rome, in expectation of receiving the same sum from you. We have been hoping to receive some word from your Majesty through the dean of Waltham which should gladden the Pope and his messengers. As it has not come, we cannot detain them any longer. But as they are being sent away empty-handed, we very much fear that it will be very damaging to your cause. You will, of your discretion, make provision for what it may be expedient to do, what may befit your honour, what may profit your soul. Your faithful friends who are with us, and desire that your fortunes may prosper in all things, would wish that you should follow other counsel in this matter, that by returning the lord Pope his own you may not have him as an adversary to your business, but in all things your well-wisher beholden to you. May God shed the light of his countenance upon you, and ever bring your undertakings to a good end, my beloved lord in Christ!'

If this letter suggests a desire on the part of Henry II. to keep back Peter's pence,[3] a subsequent letter from the bishop of London expresses the uncertainty and fear which possessed those bishops who had espoused the king's cause, after Thomas Becket returned to Canterbury. There Gilbert wrote to Henry II.[4]: 'My lord, such a burdensome command now oppresses us, such a weighty authority is ranged against us, that in our dire necessity we are compelled to seek your

[1] In *Rer. Brit. m. ævi script.* no. 67, 5, ep. 111, p. 211.

[2] Comp. the accounts in *Transactions of the R.H.S.* (N.S.) xv. 204–206.

[3] Comp. *Rer. Brit. m. ævi script.*, no. 67, 3, p. 93–94: 'Rex iratus jussit denarium S. Petri in Anglia retineri.'

[4] *Rer. Brit. m. ævi script.*, no. 67, 5, ep. 208, p. 417–418.

counsel and aid. For an appeal does not suspend what apostolic authority directs. And there is no relief from that command, for it is needful to fulfil what is directed or to meet the charge of disobedience. For on St. Paul's day, when we were standing before the altar in London, we received from the hand of an unknown man letters from the lord Pope, granting to the archbishop of Canterbury a legatine commission over the whole of England except in the diocese of York, and confirming it by apostolic authority. By the same authority it was enjoined upon all of us who are bishops in this kingdom to humbly obey him as a legate of the Apostolic See, and assemble at his summons without gainsaying it and to make full answer about matters concerning our office, and to undertake to observe faithfully whatever he should decree. We were bidden also to compel all who received the benefices of the archbishop's clerks by your command during his absence, to make full restitution, within two months under pain of excommunication without any appeal. We are commanded also to demand Peter's pence from our brothers and fellow bishops, and to hand over the full amount to messengers sent to us. If we desire to continue longer in full possession of our present dignity and rank, we are directed to send or present the letters of the legatine commission and those of the archbishop which he sends to many of the bishops. Thus we lie prostrate in heart at the feet of your Majesty, praying that you will not cease to look down upon us by reason of the manifold business of the king's court, and that of your royal piety you will see that in our utter abasement we are not brought to naught. Indeed, you will do well, if you allow us to obey the apostolic commands in peace, and to pay Peter's pence, and to restore the clerks who are in your mercy, and if you bid all the bishops, if they perceive any burden contrary to the custom of the realm in the archbishop's letters, to appeal with confidence to the lord Pope, or to legates who are sent to us. Thus you will accomplish a deed of mercy, and you will keep us from the charge of disobedience, and you will

provide by a general appeal of all the bishops that our cause shall suffer no damage in any way. May God teach you to do His will, and admonish you how to lighten the oppression we now endure! My dearest lord in Christ, farewell.'

In the time mentioned (1163–1187), many letters were exchanged between the bishop of London and the Pope or the king; letters of which the real purport was Peter's pence, and which may well have been the outcome of the special circumstances of the period, the breach between the king and the archbishop. Setting aside these peculiar conditions, we learn much from this exchange of letters about the usual practice in connection with Peter's pence in England in the twelfth century, viz.:

1. That the Pope frequently applied to one of the English bishops to collect year by year from his fellow bishops the fixed amount of Peter's pence which the See of Rome claimed yearly from the dioceses concerned.

2. That the payment to the Papacy of the amount collected from England was entirely dependent every year on the consent or command of the king, who issued orders to his sheriffs about it.

3. That each year, or occasionally for two or three years at a time, a special 'Liber Censuum' was drawn up by the Pope and the bishop to whom the collection of Peter's pence was entrusted, the archbishop of Canterbury being usually chosen. Provision was also made for sending the sum collected to Rome, for trusty messengers on either side, for the place and the time of meeting.

III

From the thirteenth century a regular organisation in London for Papal business, collection of Peter's pence, etc.—Papal nuncios and collectors in England—The dislike of the English for them and the levies of moneys—This is forbidden in 1534 and 1559.

At the beginning of the thirteenth century the system of entrusting the collection of Peter's pence in England to one

of the bishops was abandoned owing to the irregularities and difficulties which had occurred in its levy and transmission.

From the time of Pope Honorius III. onward the management of all the various offerings sent by Catholic countries to Rome was administered direct from Rome. Whereas formerly it was only in exceptional cases that legates were sent from Rome to collect Peter's pence, henceforth Papal collectors were the rule. A regular office for the management of Peter's pence was established in London,[1] under the administration of a clerk from the Curia sent as Papal nuncio and collector for England.

Under the Popes John XXI., Martin IV., Honorius IV., and Nicholas IV. (*i.e.* from 1275 to 1287) Magister Giffredus de Vezzano [2] filled this office. His business was two-fold. He was required firstly to watch over the Papal interests generally, and secondly to receive and give quittance for all the offerings to the Roman Church. Thus he was empowered to receive the feudal rent for England and Ireland and give quittance therefor, also to collect the sextennial tithes from all ecclesiastical offices, imposed by the Council of Lyons of 1274. His real business and special charge, however, was to collect and send to Rome the Peter's pence. Special written instructions and explanation of this office were given to him Being displeased with the irregularities of the collection under the bishops, the Pope bade [3] his nuncio inquire their cause diligently; whether the English prelates had collected these pence, and if so, in what way and on whose authority, whether from custom, or at the order of the legates' collectors; to what extent the collectors had kept for themselves any portion of the pence collected, and how far this was the custom, and for how long it had been so; and how far the Papal nuncios hitherto had themselves undertaken the collection or had entrusted it to others; 'and in all other

[1] Comp. Fabre, *Étude*, p. 140.

[2] Comp. the Papal letters in *Doc. Vat.* (p. 256 *sq. infra*), Rymer, *Fœdera*, ii. 177, 77, 267 *a*, *b*, *c*.

[3] Comp. Fabre, *Étude*, p. 143, note, and the letter in *Doc. Vat.* (p. 259 *infra*). A. Munch, *Pavelige Nuntiers Dagbóger*, 1282–1334, p. 2.

matters in which you judge that inquiry will be of interest. In your reply to this you must inform us fully what means you will find it convenient to adopt henceforth, so that we, when fully informed on all these questions, may with God's help be able to avoid such scandal in future.'

Unfortunately, Magister Giffredus's reply to these questions is not known. Also neither Martin IV. nor any of his successors seem to have discovered a suitable means of remedying the evil.

If we compare this letter of 1282 with that of Innocent III. of 1214 (elsewhere quoted) [1] the difference in the position held by the Papacy in this regard in the course of two generations is most striking. In the place of the determined attitude, strong claims, and severe threats of Innocent III., sixty-eight years later Martin IV. sets out a list of questions which gives evident proof of the insecurity of his position. In 1282 the Pope had at last learnt what Innocent failed to realise in 1214, that this was a matter depending on custom and tradition, about which full information was required in Rome.

After 1282 the Papacy had a special organisation in London for Peter's pence.[2] The office had its own house and records, and its business was gradually increased. Although the establishment of a standing nunciature in Roman Catholic countries belongs properly to a later period—*i.e.* the fifteenth century—the Papacy, with a few short intervals, from the thirteenth century onward nearly always kept a nuncio and collector in England. Thenceforth, we do not hear of any one of the English bishops acting as collector of the Peter's pence, but only of specially appointed officials, formerly called 'legati missi,' but now known under the title of 'nuntii apostolici' and 'collectores generales.' Subordinate to these were the 'subcollectores,' who did the actual work of collecting the pence. The Pope could nominate as 'nuntius' and

[1] *Transactions of the R.H.S.* xv. 185, notes 1 & 2.

[2] Comp. the letters in *Doc. Vat. infra*, and Fabre, *Étude*, p. 140, note 4.

'collector generalis' anyone who showed himself capable for that kind of work, whatever his rank. As a rule one 'nuntius et collector generalis' was appointed for each country or province of the Church, sometimes one for several provinces. The appointment was generally made for a fixed term. The general collector received his authority and general instructions from the Pope, and was required to send reports on the results of his work. In matters of detail he was instructed by the Curia, he took the oath of fealty to the chamberlain, and was obliged to present his account to the Curia at the end of a certain time, or at certain regular intervals. The chief collector had entire responsibility for the collection of the money. It was his business to choose his subcollectors and overlook their work.

The subcollectors were required to be honest, loyal, and capable persons. Each one was required to take a certain form of oath to the general collector. Gregory X.[1] fixed the number of subcollectors at two for each diocese. Urban V.,[2] however, wrote that one would be sufficient for each diocese. Julius II.[3] made a further reduction in the number, and ordained 'quod in singulis civitatibus et diœcesibus infra tuam collectoriam consistentibus, si sint amplæ et diffusæ, ultra unum subcollectorem non deputes.' When the chief collector had appointed the necessary subcollectors he was required 'statim omnium et singulorum subcollectorum, quos te deputare contigerit, nomina et cognomina nobis seu camerario nostro vel eius locum tenenti clare et distincte transmittere.' They were required to give to the chief collector an account of the moneys collected by them, and to hand over to him the whole amount on demand. With the advice of the bishop of the diocese the chief collector was instructed to deposit the money collected in a safe place until an opportunity occurred to send it to Rome. Later it was decided that the chief collector should transmit the amount

[1] H. Finke, *Papsturkunden Westphalens*, no. 707, p. 335.
[2] Gottlob, *Die Päpstl. Kreuzzugesteuern des* 13 *Jahrhunderts*, p. 184.
[3] *Transactions*, xv. 245–246.

as soon as possible by means of a bill of exchange or send the money by some other safe way to the Papal chamberlain or his vicar. If any of the debtors of the Curia desired that the payment of a due might be delayed, the chief collector was empowered to agree or to refuse according to the circumstances. In the former case he might allow a delay of not longer than one year. Before long it became usual for Peter's pence only to be paid at the close of the year in which they were due, although they were due on the festival of St. Peter in Vinculis (August 1).[1]

Occasionally it happened that the Papal chamberlain himself took over a collection. When Honorius III., 1219, sent collectors to the countries of Western Christendom to collect twentieths for the crusade, Peter's pence and other offerings for the Papal revenue, this office was undertaken for England by the Papal chamberlain, Pandulf of Norwich.[2] In a letter[3] of instructions from the Pope, Pandulf is charged to gather these dues above mentioned, to send the money collected in the securest manner possible to France, and to lodge it under his seal at the house of the Knights Templars and Hospitallers in Paris.

The chief collectors were of very different rank and origin. Generally they were chosen from the ranks of the lesser bishops, canons, protonotaries, clerks of the Curia &c. Some were jurists[4]; the subcollectors were as a rule English priors, abbots, or bishops. In all matters concerning Papal revenues, every one, even the archbishop, was subordinate to the chief collector. If any failed to comply with his demands he could subject them to the censures of the Church, excommunicate and suspend them, take away their benefices and punish them in various ways.[5] For instance, in 1214 the Papal collector, Magister Martin, suspended the whole body

[1] Comp. *Transactions*, xv. 245.

[2] Gottlob, p. 189.

[3] In Potthast, no. 6331. Comp. *Regesta Honorii III.*, ed. Pressuti, no. 2620.

[4] *Transactions*, xv. 223-234.

[5] Gottlob, *Die Papstl. Kreuzzugssteuern*, p. 191.

of English bishops until they should have done the Pope's will.[1] The subcollectors also had authority to place under the ban any who in any way openly or secretly hindered the collection of the pence.[2] As a rule, money was raised for the Roman Church for many purposes at the same time: for instance, tallage for crusades, tithes, feudal fines, Peter's pence, &c.; and as the collection of these various taxes was in the hands of the same officials,[3] their business was considerable, and touched all classes of the people.

The system had the twofold advantage of bringing in the Papal revenues regularly as well as of keeping effective control over the bishops and clergy of the country. Though from the point of view of the Curia the system was beneficial, from other standpoints it had great disadvantages, and of a kind which increased as time went on. Gradually it developed into a commercial system through Western Christendom. A number of the most trusted and loyal supporters of the Papacy became money-lenders.[4] For instance, when Berthold of Regensburg denounced the Papacy for trading in indulgences and the like, the justice of his accusation was proved by a host of examples, especially from the ranks of the Papal collectors.

The system was open to abuse, not only in the fact that the chief collectors were usually foreigners armed with extraordinary powers, but also in the method of their payment. Their fixed salary from the Curia was very small. Gregory X. rated[5] the pay of a collector at three shillings sterling per diem; John XXI. raised[6] it to five shillings. As the cost of living gradually increased, the pay was again raised by Martin IV. to eight shillings.[7] The

[1] Matt. Par. *Chronica Majora*, iv. 284. [2] Gottlob, p. 197.

[3] *Transactions*, xv. 206, &c.

[4] Gottlob, p. 105.

[5] Kaltenbrunner, *Mittheilungen aus dem Vatikanischen Archiv*, p. 202 and note. Gottlob, p. 105.

[6] Kaltenbrunner, no. 103, p. 115 and note.

[7] *Ibid.* no. 269, p. 305; comp. no. 261, p. 292 and note.

collector Dietrich of Orvieto, in December 1283, for travelling expenses in addition to his daily allowance, had £18 sterling a year out of the moneys collected by him.[1]

When the collector Bernard de Sistre[2] set out from Avignon on October 7, 1335, to take up the office of collector in England, John, the Pope's treasurer, bishop of Avignon, advanced to him for journey money 40 florins of gold to be repaid when he had reached England and, after audience with the king,[3] had organised the collection of the money.

The account[4] of his term of office submitted to the Curia after his death in London on June 18, 1343, shows that during the tenure of office from 1335–1343 he had collected £7,577 18*s.* 7*d.* sterling, including the 40 golden florins received in advance. From this total the sums due for daily allowance and travelling expenses &c. were deducted.[5]

Though the usual salary of a Papal collector was not large, considering the dignity of the office, the expenses of the business and position were considerable. For instance, the roads along which the collector in the course of his business had to travel were everywhere unsafe.[6] It was always necessary to travel attended by an armed escort. It was necessary that the retinue should be in accordance with his rank.

When Magister Herlot[7] came to London as collector for England in March 1258, he brought twenty carriages and his household consisted of eight persons. Again, when John de Giglis,[8] collector, arrived at St. Alban's Abbey, July 13, 1478, for a sojourn of six days, he was followed by six servants and a chaplain.

[1] Comp. Finke, *Papsturkunden Westphalens*, no. 740. Kaltenbrunner, no. 261, p. 292.

[2] *Transactions*, xv. 206–207.

[3] *Ibid.* pp. 207, 243. no. ix.

[4] *Ibid.* 219.

[5] Finke, i. no. 707.

[6] Kaltenbrunner, no. 261.

[7] Comp. Matt. Paris. *Chron. Majora*, v. 673.

[8] *Regesta Johannis Whetamstede*, ed. Riley (*Rer. Brit. m. ævi script.* no. 28, 5, ii.), p. 211.

It may seem strange that in the face of all these drawbacks anyone was willing to serve as collector, though as a matter of fact the office was much sought after. This was partly on account of the dignity of the office and partly on account of the opportunities it afforded of obtaining money in other ways. The collector often received large gifts, and moreover after he had carried out the business of his office for some years in a manner satisfactory to the Curia, he was certain to obtain a rich benefice or ecclesiastical office.

The private revenue of the collectors was made up partly from fines for transgressions of the English bishops, partly from moneys specially raised for the office under the Papal authority and from the patronage of offices in their gift, the appointment of notaries,[1] &c. The most fruitful source of their private revenues was the farming of benefices. From the time of Innocent IV. (1243–54) a regular system of 'hunting' benefices had been organised. Innocent himself was foremost in the chase. He obtained 'free gifts of benefices' in satisfaction[2] of bad debts from the bishops, when in due course they visited the Curia.

Martin, clerk of the Curia, collector in England, was a great fancier of horses. When in the course of his business he visited the bishops, abbots, or priors, he would present a summons on some slight excuse and give a bill of exchange for horses if any were to be found.[3] Other collectors were fanciers of other things. Some received as presents costly robes, furs, &c., for their journeys in cold northern lands. Others preferred stores of food and drink &c. When Cardinal Otho[4] came in 1257 as Papal legate to England, to spend the winter in London, Peter, bishop of Winchester, sent him as a gift fifty fat oxen, one hundred measures of corn, and eight barrels of wine.

[1] Comp. Potthast, *Regesta*, no. 21244 (*ann.* 1277).
[2] Matt. Par. *Chronica Majora*, iv. 427–428, 546–547.
[3] *Ibid.* pp. 284–285.
[4] Weber, *Das Verhaltniss Englands zu Rom* &c. p. 19.

When Magister Rustand,[1] clerk of the chamber to Pope Alexander IV., came as collector to England in 1255, in the course of a few years, by various ways and means and by his humble flattering behaviour towards king and bishops, he succeeded in amassing such great wealth as to equal in splendour a great English noble.

As a rule the Italians[2] were the most successful in the hunt for gifts and other sources of revenue. It was due to them more than to the other collectors in England that the whole system of Papal collections was brought into discredit. If by chance any of these carried on his business with moderation, he received great praise from the English and might even succeed in gaining the respect of the people. The general feeling in England both of the clergy and the commonalty was very bitter and hostile against the Italians, owing to their greed and love of display.

Strong expressions of the dislike of the Englishmen to the foreign collectors sent by the Curia are to be found in the chronicles[3] of this period. Attempts were several times made to secure the appointment of an Englishman to the office of collector instead of a foreigner.[4]

In the convention[5] of 1288 between the Papacy and England concerning the grant of a general tallage for the crusades of an ecclesiastical tenth for six years, it was explicitly inserted that the levy should be carried out by English clergy and not by Italians.

The idea was widespread in England that the foreign collectors[6] sent by the Pope were Papal spies, commissioned to hunt out vacancies in offices and other favourable opportunities for extorting money, and the collectors had begun to take the first-fruits of all offices and annually they sent out of the country about 20,000 marks sterling. As a

[1] Matt. Par. *Chronicle*, v. 647.
[2] Gottlob, p. 205.
[3] Comp. Matt. Par. iv. 284–285; v. 647, 673 &c.
[4] Stubbs, *Const. History*, iii. 335, note 3 (viz. ann. 1377).
[5] Rymer, *Fœdera*, ii. 413.
[6] Stubbs, iii. 335.

result of this an oath[1] was formulated which every Papal collector in England was required to take, by which they swore fealty to the king in general as well as the following points in particular: that they would not do or purpose anything to the prejudice of the king, the realm, or the laws of the land; that they would give the king good counsel and keep his secrets if by chance they became acquainted with any, and would not suffer such Papal orders to be carried out which would be harmful to the realm, nor receive such commands, but would submit them to the Council; that they would not carry gold or silver out of England without royal license, nor send letters to the detriment of the king out of the country, but serve his honour and position; that they would not take the first-fruits of offices on which the king had claim of possession nor seek to introduce any innovation; and that they would not leave the kingdom without royal permission. Evidence had to be furnished that this oath should not be treated as a mere form. Every clause was required to be fulfilled. For instance, in 1427, when it was a matter of common knowledge that the chief collector,[2] contrary to his oath, had smuggled Papal bulls into England, he was thrown into prison and was not released until after his case had been hotly discussed at the Privy Council and surety for him had been given. In 1376 a petition was brought forward in Parliament[3] containing a list of grievances against the collectors. In 1390 the king had to reject a petition that the collector might be banished as a public enemy.

Stronger proof was given later of the growing dissatisfaction with and hatred of the collectors and their conduct. This ill feeling was on many occasions directed against the Papacy itself.

In January 1307 a petition[4] was brought to Parliament begging that the laws against the abuses of Papal patronage should be enforced. A list of such abuses was appended,

[1] Stubbs, iii. p. 336. Rymer, vii. 603.
[2] Comp. Stubbs, *Const. History*, iii. 336. *Ibid.* p. 335.
[4] *Ibid.* ii. p. 156.

including the promotion of foreigners to offices of dignity in England, the appropriation of the revenues of English abbeys for foreign purposes, reservation of first-fruits, Peter's pence, and other money claims, &c. As a result of this petition a resolution of an extremely stringent kind was passed. No law, however, was made on this occasion. Edward I. was anxious not to raise strife with Pope Clement V. on the matter. In accordance with the request of Cardinal Peter, then in England, the king removed the prohibition against the export of Papal moneys, and neglected to enforce the new statute. In 1365 a new proposal [1] came before Parliament dealing with the abolition of papal jurisdiction in England. In 1366 bishops, lords, and commons united in refusing the annual tax of 1,000 marks sterling [2] imposed by the Papacy (now in arrears since 1334). Peter's pence were withheld [3] for a time. In this period, indeed, not counting the feudal fine mentioned above, England succeeded only occasionally in avoiding or diminishing the contributions of Papal taxes.

With few and short intervals, the levy of Peter's pence and other Papal dues was regularly enforced during the fourteenth, fifteenth,[4] and early part [5] of the sixteenth centuries, as is evident in the numerous accounts of Papal collectors for England and elsewhere, preserved among the Vatican archives. These accounts also show that during this period the collectors were generally foreigners,[6] and that similar amounts were collected from each diocese as in the preceding centuries.

They also shed a light on the relations existing between the collectors and the different English bishops.[7]

The accounts for the fifteenth century are less complete. For the early half of the sixteenth century we have again records of Peter Gryphus of Pisa, Papal collector under

[1] Comp. Stubbs, *Const. History*, ii. 415.

[2] *Transactions*, xv. 189.

[3] Comp. Stubbs, ii. 415. Spittler, *Von der ehemal. Zinsbarkeit der Nordischen Reiche an den Römischen Stuhl*, p. 116.

[4] Comp. *Transactions*, xv. 204–243.

[5] *Ibid.* pp. 243–246. [6] *Ibid.* p. 243. [7] *Ibid.* pp. 206–243.

Julius II. in 1508 and following years[1]; of Polydore Vergil,[2] collector under Pope Clement VII.; and lastly, records of the Papacies of Leo X. and of Paul III. in the Bull of 1549.[3]

We now approach the beginning of the end of the levy of Papal aids in England.

In 1534 Henry VIII. gave his consent to the Act of Parliament[4] forbidding the levy of Papal aids and of Peter's pence in particular. Unfortunately no trace can be found among the Vatican archives of the immediate effect in Rome of this Act. Perhaps they were already aware that greater dangers threatened the Roman Curia than the loss of Peter's pence.

Relations with the Papacy improved when Queen Mary ascended the throne. Many records[5] are extant showing how greatly the Vatican rejoiced at this change.

The first act of Pope Paul IV. after his election was to receive three ambassadors from England. These were sent to Rome to beg humbly, in the name of Queen Mary, for pardon for past sins, which they all openly acknowledged, among others that for several years the offering of Peter's pence promised in olden times had not been paid. Paul IV. replied with great condescension that he would pardon all arrears. He was glad that the old relations between the Papacy and England were to be renewed and confirmed, and rejoiced in the gratitude of the pious Queen for the blessings received from Rome, and in her promise that all evil practices should be again abolished in England, so that men might again profess the tenets of the Roman Church, and that the levies of Peter's pence would be renewed.[6]

[1] Comp. *Transactions*, xv. 244–246.

[2] Comp. Polydori Vergilii Urbinatis *Angliæ Historiæ* Libri xxvi. 89-97.

[3] Comp. Garampi's speech at the papal jubilee, 1750. In Tripepi's *Il Papato*, p. 510.

[4] *Statutes at Large*, ad annum 1534. London, 1618, p. 546.

[5] *Vita di Paolo IV.* 1613, dal P. D. Ant. Caracciolo. Comp. O. Jensen, *Caraffa eller Paul IV.* 1880.

[6] Comp. O. Jensen: *Giovanni Pietro Caraffa som Pave kaldt Pavl IV. og de religiæse Strœmninger i Italien paa hans Tid*, Copenhague, 1880.

The joy in Rome was the greater as it was more than twenty years since England had sent an embassy to Rome. In private conversation with the ambassadors the Pope referred to the Reformation in England, and reproached them that the greater part of the property of the Church had been taken from her and had not as yet been restored. He insisted that all that had belonged to the Church to the last penny should be given back. He also charged them that they should begin as soon as possible to make the annual offerings of Peter's pence from England.[1]

In the years following, the English court showed great zeal in fulfilling the promise given and in carrying into effect the Papal demand. Some of the Church property seized by the Crown was given back to the Church. The Government did all that was possible to lead the people back to the Roman Church, but the reaction lasted too short a time to bear fruit. Not once were Peter's pence or any other offering sent from England in full. There was hardly any attempt made to organise the machinery for collecting the levy. The old dislike of Papal collectors and their methods of levying was so deeply rooted in the nation that it would have been difficult, even if the attempt had been made, to restore the old system.

When in 1558 Elizabeth succeeded 'bloody Mary' a new line was struck out and England declared against Rome. This, added to the other misfortunes and anxieties which gathered during the last years of his rule, embittered the close of Paul IV.'s life. When the Pope received news of the succession of Elizabeth to the throne he replied that the realm of England was a fee of the Papacy, and that Elizabeth, being of illegitimate birth, could not inherit it: she must renounce her high claims and submit herself to the decision of Christ's Vicar. In England these threats and admonitions were unheeded. They aroused astonishment rather than fear.

At the first meeting of Parliament under Elizabeth in 1559 the statutes against the supremacy of any foreign prince

[1] Comp. O. Jensen: *Giovanni Pietro Caraffa som Pave kaldt Paul IV. og de religiøse Strømninger i Italien paa hans Tid*, Copenhague, 1880.

or prelate were confirmed. All officials, ecclesiastical and lay, were forbidden on oath in any way to acknowledge the jurisdiction of any foreign prince or prelate. Henceforth none of the various offerings which had been sent from England to the Pope was renewed.

Five years later, in 1564, Pius IV. promulgated a Bull against England, releasing the English Catholics from their allegiance to the heretic Queen and at the same time denying her right to the crown. The thunderbolts of the Papacy had lost their might. Few in England remained who feared a Roman Bull or Papal ban.

APPENDIX I

NOTE ON THE DECLINE IN VALUE OF THE ENGLISH 'DENARIUS STERLINGORUM' DURING THE MIDDLE AGES

THE issue of gold florins by the Republic of Florence began in 1252. Each florin contained 72 grs. of 24-carat gold. Gold ducats or 'zecchini' were first struck at Venice in 1288. As the model of these coins Pope John XXII. struck his gold ducats or 'floreni di camera' in 1322. These three coins were of the same weight and value, and were generally called 'florins.' The florin was the usual unit for all payments to the Papal Treasury throughout the middle ages.

In northern Europe, on the other hand, the unit was the mark sterling = 13 sol. 4 den. = 160 den. sterlingorum.

The rate of exchange at the beginning of the fourteenth century (1304–1326) was as follows:

1 marca sterlingorum = 5 floreni auri
32 denarii ,, = 1 florenus auri

'Singulis marchis sterlingorum pro v. florenis computatis.'[1] Thus for the 300 marks sterling due annually from England in Peter's pence the Papal Treasury at that time would receive about 1,500 gold florins.

[1] Comp. Fabre, *Étude*, 144, and accounts of 1326.

Already in the fourteenth century a gradual decline in the value of the English denarius had begun. During the years 1330–1422 the rate of exchange was

38–40 denarii sterlingorum = 1 florenus auri

It is during this period that several collectors reckon their accounts at the rate of

1 marca sterlingorum = 4 floreni auri [1]—

'Marca argenti ex conventione antiqua in Anglia valet iv. florenos.' The 300 marks sterling due from England was then worth, at most, 1,200 gold florins.

In 1478 a gold florin was valued at 52 den. sterl., and in 1494 at as much as 54 den. sterl. The exchange at this period accords with Polydore Vergil's estimate.[2] 'Marchia apud Anglos valet tres nummos aureos, quos vulgo ducatos vocant,' *i.e.* :

1 marca sterlingorum = 3 floreni auri
300 marcæ ,, = 900 ,, ,,

APPENDIX II

NOTE ON THE DIVISION OF PETER'S PENCE BETWEEN THE PAPAL TREASURY AND THE CARDINALS' COLLEGE

Pope Nicholas IV. decreed by a bull of July 18, 1289,[3] that Peter's pence as well as other offerings to the Papal Chair should be divided equally between the Cardinals' College and the Papal Treasury. Under Clement V., however, the whole amount received in Peter's pence from England was appropriated by the Papal Treasury. In a codicil to his will,[4] however, Clement directed that an inquiry should be made without delay to ascertain whether and to what extent his predecessors in the Papal Chair had been accustomed to share the English Peter's pence with the Cardinals' College. Clement desired that if such division were proved to have been customary, a share,

[1] 'Tables of Coinage,' *R. Hist. Soc. Trans.* 1901, xv. 246; Fabre, *Etude*, p. 144. Moltesen, *De Avignonske Paver*, &c., p. 237.

[2] *Anglice Historie libri XXVI.* Basil. 1546, p. 309. Comp. Garampi, Speech at the Papal Jubilee, 1750, pp. 514–518.

[3] Comp. Potthast, *Registr.* No. 23010.

[4] Vide *Registrum Clementis V.*, Appendix I. p. 186.

equal to that formerly received by them, should then be paid to the Cardinals' College. As a result of this inquiry a sum of 1,192 marks 7 shillings[1] sterling was handed over to Guillelmi Forniti, clerk to the Cardinals' College, being the share due from English Peter's pence for the eight years of Clement's reign (*i.e.* 149 marks 10½ den. sterling for each year). The total received from England annually during these years may thus be computed at 298 marks 1s. 1d sterling in the eight years of the reign of Clement IV. (*i.e.* 149 marks 10½ den. sterling for each part).

The whole annual amount received from England in these years therefore seems to have been 298 marks 1 shilling 1 den. sterling.

APPENDIX III

NOTE ON THE FEUDAL DUES SENT FROM ENGLAND TO ROME

THE decision of Pope Nicholas IV.[2] that the half of English feudal dues as of other offerings to the Roman Church should be paid to the Cardinals' College gave occasion for an inquiry into the matter to be made by William Testa, Cardinals' treasurer.[3]

This inquiry showed that from 1290 to 1314—*i.e.* for twenty-four years—no dues had been paid by the English kings. When John XXII. became pope, the English ambassador acknowledged the debt to be 24,000 marks, but at the time made no payment. However, 1,000 marks silver, reckoned as sum due for one year from Jan. 29, 1316, was paid by the ambassador, and thenceforth the English feudal dues to the Papal Chair were reckoned at 1,000 marks.

[1] Comp. *Obligatio*, No. 3, fol. 16; Kirsch, 'Die Finanzverwaltung des Kardinal-Collegiums in den 13ten u. 14ten Jahrhunderten,' *Kirchengeschichtliche Studien*, ii. 35–36.

[2] Comp. Potthast, *Registr.* No. 23010.

[3] Comp. Langlois, *Registre de Nicolaus IV.*, Nos. 7014, 7015, 7016; Kirsch, *Kirchengeschichtliche Studien*, ii. 34, 35; *R. Hist. Soc. Trans.* xv. 188.

APPENDIX IV.

DOCUMENTA VATICANA II.

I.

Registr. no. 27, fol. 10.

URBANI IV. BULLAR. AN. I–III., TOM. II.[1]

1.

Carissimo in Christo filio . . . illustri regi Angliæ.

Honorem tuum, fili carissime, decere credimus ac tuis et regni tui profectibus expedire, ut quod juste debes sacrosanctæ Romanæ ecclesiæ, matri tuæ, sic promptus exsolvas quod gratiam acquiras ex debito et commendari mereatur celsitudo regia ex affectu. Cum igitur census annuus mille marcarum sterlingorum, a te ecclesiæ Romanæ debitus, pro duobus annis transactis usque ad festum beati Michaëlis præterito proximo computandis non fuerit persolutus, excellentiam tuam requirendam duximus et affectione paterna rogandam, quatinus censum ipsum pro eisdem annis dilecto filio fratri Johanni de Cancia, ordinis Fratrum Minorum, has tibi litteras præsentanti nomine nostro et ejusdem ecclesiæ ob reverentiam apostolicæ sedis et nostram, sublato dilationis et difficultatis obstaculo, prompta voluntate persolvas, ita quod te matris justitiæ debitum hylariter exsolvente, regiæ devotionis commendetur sinceritas et gratia nostra tibi fratrumque nostrorum dilectio semper accrescat.

Datum Viterbii Idus Decembris, anno primo.

2.[2]

Fratri Johanni de Cancia, ordinis Fratrum Minorum.

Licet personæ tuæ non habeamus notitiam per aspectum præsentiæ corporalis, prudentiam jam tuam notam nobis reddentibus fama et testimonio plurimorum a temporibus felicis recordationis Alexandri et Innocentii, prædecessorum nostrorum, pontificum Romanorum, probata ducatur in agendis sedis apostolicæ fides tua, confidenter tibi committimus nostra et apostolicæ sedis negotia illa

[1] Glossa: 'Monetur Angliæ rex, ut solvat censum ecclesiæ Romanæ debitum singulis annis mille marcarum sterlingorum. Dare in manibus Francisci de Senis.'

[2] Glossa: 'Collectio census, sedi apostolicæ debiti in Anglia.'

præcipue quæ requirit necessitas fidei et discretionis officio expediri. Cum igitur carissimo in Christo filio nostro Henrico, regi Anglorum illustri, præsentes nostras litteras dirigamus, ut cum census annuus mille marcarum, ab eo ecclesiæ Romanæ debitus, pro duobus annis transactis usque ad festum beati Michaëlis proximo præteritum computandis non fuerit persolutus, censum ipsum pro tempore prædicto tibi nostras sibi super hoc litteras præsentanti, nomine nostro ac ejusdem ecclesiæ, ob reverentiam præfatæ sedis et nostram, sublato dilationis et difficultatis impedimento, prompta voluntate persolvat; quocirca discretioni tuæ præsentium auctoritate mandamus, quatinus receptis litteris nostris, quas super hoc regi dirigimus memorato ac per te præsentatis eidem, censum hujusmodi requiras ab eo humiliter et prudenter. Quicquid autem inde receperis, Deutavivæ Guidi et Raynerio Bonaccursi, sociis dilectorum filiorum Orlandi Bonsignoris, Bonaventuræ Bernardini, et Raynerii Jacobi, civium et mercatorum Senensium, campsorum cameræ nostræ, vel eorum alteri, præsentes tibi litteras deferenti, nostro et fratrum nostrorum nomine assignare procures, diem assignationis et quod et quantum eis inde assignandum duxeris nobis per tuas litteras rescripturus.

Datum ut supra.

3.

Eidem Fratri.

De sinceritate fidei ac discretionis tuæ industria, de quibus nobis laudabile perhibetur testimonium, confidentes, denarium beati Petri, ecclesiæ Romanæ in Anglia debitum, sollicitudini tuæ, auctoritate præsentium, committimus colligendum, per apostolica tibi scripta mandantes, quatinus denarium ipsum pro anno præsenti exquiras et facias tibi, nomine nostro et ecclesiæ memoratæ, persolvi. Contradictores etc. Quicquid autem etc., ut in proxima, non differas assignare.

Datum Viterbii Non. Decembris, anno primo.

4.

Eidem Fratri.

Cum negotia ecclesiæ Romanæ quamplura, tempore felicis recordationis Alexandri papæ, prædecessoris nostri, prudentiæ tuæ commissa fuerunt, quorum aliqua propter obitum prædecessoris ejusdem remanserunt, sicut intelleximus, imperfecta, præsentium auctoritate tibi mandamus, quatinus quæ et qualia tibi commissa fuerunt ab apostolica sede tempore prædicto negotia, statum quoque ac processum negotiorum ipsorum, necnon consilium tuum super hiis & aliis, quæ

ad nostram & ecclesiæ prædictæ utilitatem pertinere conspexeris, nobis studeas per tuas litteras fideliter intimare, ut per insinuationem tuam instructi providere possimus, quod per necessitatem ac utilitatem prædictorum negotiorum videbimus expedire.

Datum Viterbii Idus Decembris, anno primo.

5.[1]

Regi Anglorum illustri.

Dilectis filiis Orlando Bonsignoris, Bonaventuræ Bernardini, et Raynerio Jacobi, civibus et mercatoribus Senensibus, campsoribus cameræ nostræ, et nobis circa nostra & apostolicæ sedis obsequia fide studentibus ac devotione placere, per quam eis in suis opportunitatibus favor apostolicus merito debeatur ; excellentiam tuam rogandam duximus & hortandam, quatinus dilectos filios Raynerium Bonaccursi & Deutavivam Guidi, socios eorundem habentes, pro nostra & apostolicæ sedis reverentia in hiis, quæ sunt justitiæ, favorabiliter commendatos, illos apud Londonias quiete ac pacifice commorari permittas, ibique morantes ac euntes & redeuntes pro suis negotiis per regnum tuum in personis et rebus plena facias securitate gaudere, ita quod eis apud magnitudinem regiam speratum de precibus nostris fructum devotionem tuam debeamus exinde merito commendare.

Datum Viterbii iii. Kal. Januarii, anno primo.

6.[2]

Carissimæ in Christo filiæ reginæ Anglorum illustri.

Dilectis filiis Orlando etc. et Bonaventuro etc. ut supra : carissimo in Christo filio nostro, regi Anglorum illustri, litteras et præsentes nostras dirigimus, ut dilectos filios Raynerium Bonaccursi & Deutavivam Guido, socios eorundem habens, pro nostra & apostolicæ sedis reverentia in hiis, quæ sunt justitiæ, favorabiliter commendatos, illos apud Londonias etc. ut supra ; quocirca sinceritatem tuam rogandam duximus et hortandam, quatinus apud regem eundem, ut quod super hiis rogamus, efficiat exhortationis et favoris tui gratiam interponas ita quod eis etc. ut supra per totum.

[1] Registr. no. 27, fol. 10*b*.

[2] Registr. no. 27, fol. 10*b*.

7.[1]

Dilecto filio fratri Johanni de Cancia, ordinis Fratrum Minorum, salutem &c.

Præsentium auctoritate mandamus, quatinus quicquid receperis seu etiam recepisti de censu carissimi in Christo filii nostri, regis Anglorum illustris, seu denario beati Petri, quem tibi per alias litteras nostras commisimus colligendum, Deutavivæ Guidi & Raynerio Bonaccursi, mercatoribus Senensibus, sicut per easdem litteras tibi mandavimus, de conscientia tamen dilecti filii magistri Leonardi Cantoris Messanensis, capellani nostri, quem pro quibusdam negotiis in Angliam destinamus cum cautela debita assignare procures.

Datum Viterbii ii. Non. Februarii, anno primo.

8.[2]

Eidem fratri Johanni de Cancia.

Discretioni tuæ præsentium auctoritate mandamus, quatinus quicquid de censu a carissimo in Christo filio nostro, regi Anglorum illustri, ecclesiæ Romanæ debito, vel etiam aliunde de pecunia Romanæ ecclesiæ receperis aut ad manus tuas pervenire contigerit, Deutavivæ Guidi & Raynerio Bonaccursi, sociis dilectorum filiorum Orlandi Bonsignoris, Bonaventuræ Bernardini & Raynerii Jacobi, civium et mercatorum Senensium, vel eorum alteri, præsentes tibi litteras deferenti, in præsentia dilecti filii, magistri Leonardi Cantoris Messanensis, capellani & nuntii nostri in Anglia, nostro & eccelsiæ prædictæ nomine assignare procures, nobis assignationis diem & quid & quantum eisdem mercatoribus exinde duxeris assignandum.

Datum Viterbii iii. Non. Maii, anno primo.

9.[3]

Potestati, Concilio & Comitibus Reatus.

Cum census annuus triginta librarum provencalium, a vobis cameræ apostolicæ debitus, transactis duobus annis & amplius sicut intelleximus, non fuerit persolutus, præsentium vobis auctoritate præcipiendo mandamus, quatinus censum ipsum pro duobus proxime præteritis & instanti annis infra octo dies pro tempore receptionis præsentium cameræ nostræ solvere procuretis.

Datum apud urbem veterem ii. Kal. Junii, anno secundo.

[1] Registr. no. 27, fol. 33. Glossa: 'Collectio census et denarii Sancti Petri in Anglia.'

[2] Registr. no. 27, fol. 10*b*.

[3] Registr. no. 27, fol. 55*b*.

10.[1]

Episcopo Reatus.

Cum census annuus triginta librarum provencalium a dilectis filiis potestate, consilio & comitibus reatus cameræ apostolicæ etc. non fuerit persolutus, eisdem potestati, consilio & comitibus reatus nostris damus litteris in præceptis, ut censum ipsum etc. persolvat; quocirca mandamus, quatinus eosdem potestatem, consilium & comites ad id moneas & inducas, & si necesse fuerit, per censuram ecclesiasticam, appellatione remota, compellas, ac rescribas nobis, quicquid super hoc duxeris faciendum.

Datum ut supra in proxima.

11.[2]

Illustri regi Anglorum.

Si quid juste debes, promptus exsolvas, gratiam acquiris ex debito, & commendari meretur celsitudo regia ex affectu. Cum igitur census annuus mille marcarum sterlingorum a te sacrosanctæ Romanæ ecclesiæ debeatur, et in ipsius per tres annos ad festum beati Michaëlis venturum proximo computandos jam fuerit solutione cessatum; excellentiam regiam requirendam duximus et affectione paterna rogandam, quatinus prudenter attendens, quid congruat magnificentiæ regalis honori, cum manum regiam erga matrem ecclesiam ad justitiæ debitum tardam esse non deceat, quam nonnulli frequenter inveniunt ad munera liberalem gratiæ—censum ipsum pro tempore antedicto dilecto filio fratri Johanni de Cancia, ordinis Fratrum Minorum, nuntio nostro in Anglia, nostro et ecclesiæ præfatæ nomine, sublato difficultatis obstaculo, prompta voluntate persolvas, ita quod ex ulteriori solutionis dilatione prædictæ ecclesiæ dispendium non incurrat, et nos id gratum habentes, devotionem regiam debeamus exinde merito commendare.

Datum apud urbem veterem vii. Kal. Septembris, anno secundo.

12.[3]

Fratri Johanni de Cancia, ordinis Fratrum Minorum.

Si carissimus in Christo filius noster, illustris rex Angliæ, quod juste debet, prompte exsolvat, etc., ut in prædicta usque ad cessatum, nos regem ipsum per litteras nostras requirendum duximus & affectione paterna rogandum, ut censum ipsum pro tempore antedicto tibi nostro & ecclesiæ etc. usque persolvat; quocirca discretioni tuæ per

[1] Registr. no. 27, fol. 55*b*.
[2] Registr. no. 27, fol. 55.
[3] Registr. no. 27, fol. 56.

apostolica scripta in virtute obedientiæ stricte præcipiendo mandamus, quatinus receptis litteris nostris, quas super hoc regi dirigimus memorato, illas ei præsentare non differas, eumque moneas attentius & inducas, ut censum ipsum pro tempore antedicto infra terminum competentem, quem ei peremptorie præfigendum duxeris, tibi pro nobis & eadem ecclesia cum integritate persolvat ; alioquin capellam ipsius supponas ecclesiastico interdicto, non obstante si eidem regi a sede apostolica sit indultum, quod ipsius capella per litteras sedis ejusdem nequeat interdici, non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem. Totam autem pecuniam, quam de censu receperis, Raynerio Bonaccursi, socio dilectorum filiorum Bonaventuræ Bernardini & Francisci Guidi, civium & mercatorum Senensium, vel ejus procuratori, cum cautela debita assignare procures. Quid et quantum eidem assignaveris et diem assignationis ac quicquid inde feceris, nobis per litteras tuas, tenorem præsentium continentes, fideliter rescripturus.

Datum ut supra.

II.

Registr. no. 31, fol. 8 et seq.

Bullarium Clementis IV., an. I–IV.[1]

1

§ 9.—*Idem (Clemens IV.) carissimo in Christo filio, regi Anglorum illustri.*

Quanto erga Romanam ecclesiam, matrem tuam, uberiori devotione novimus te fervere, tanto sinceritatem tuam in hiis, in quibus eidem ecclesiæ teneris, ex debito fiducialius requirentes, spem nobis de tua filiali gratitudine proponimus certiorem, ut ipsius ecclesiæ necessitate pensata, eo libentius et liberalius debitum ipsum solvas, quo eam tibi favorabiliorem in tuis opportunitatibus experiris magisque tuis et regni tui profectibus expedit, ut te sibi assidue gratiorem affectu exhibeas et effectu. Quum igitur census annuus mille marcarum sterlingorum a te, sicut nosti, prædictæ debeatur ecclesiæ, fueritque jam per quinque annos in ipsius solutione cessa tum ; Serenitatem regiam requirimus et rogamus attente, per apostolica tibi scripta mandantes, quatinus eundem censum pro quinque annis prædictis et isto præsenti, dilecto filio, magistro Sinicio, clerico cameræ nostræ, quem propter hoc specialiter ad tuam

[1] Glossa : 'Angliæ rex rogatur ad solutionem census.'

præsentiam duximus destinandum, nostro et ecclesiæ prædictæ nomine, facias integre ac liberaliter assignari. Ita quod nos, id gratum habentes, magnificentiam tuam debeamus exinde cum gratiarum actionibus merito commendare.

Datum Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

2.

§ 10.—*Idem eidem.*

Quanto erga Romanam ecclesiam etc. ut supra in proxima usque . . . exhibeas et effectu.

Quum igitur de probata fide ac nobis et fratribus nostris nota discretione dilecti filii magistri Sinitii, cameræ nostræ clerici, plenarie confidentes, ipsum ad partes Angliæ, Walliæ, Scotiæ et Yberniæ pro colligendis censibus et denario beati Petri ac debitis terræ sanctæ et præfatæ ecclesiæ requirendis aliisque nostris et ipsius ecclesiæ negociis destinemus; Serenitatem regiam requirimus et rogamus attente, quatinus ipsum benigne recipiens et honeste pertractans, annuum censum, in quo eidem ecclesiæ teneri cognosceris, pro præsenti et præteritis annis a tempore, quo censum hujusmodi non solvisti, præfato clerico, nostro et prædictæ ecclesiæ nomine, facias liberaliter et integre assignari, ac eundem clericum in prædictis promovendis negociis habens pro apostolicæ sedis et nostra reverentia propensius commendatum, eidem super hiis ac etiam in securo conductu per regnum tuum, quum ab eo fueris requisitus, impendas auxilium et consilium opportunum, ita quod nos, id gratum habentes, magnificentiam tuam debeamus exinde cum gratiarum actionibus merito commendare.

Datum Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

3.

§ 11.—*Idem reginæ Anglorum.*

Quanto inter alia regna mundi regnum Angliæ prærogativa dilectionis prosequimur ampliori et ad prosperum statum ejus avidius aspiramus, tuque magis ac magis nostrum et apostolicæ sedis favorem in tuis et carissimi in Christo filii nostri, illustris regis Angliæ, viri tui, necessitatibus experiris assidue gratiosum, tanto voluntate et actione nobis exhibere te debes in nostris et ipsius sedis opportunitatibus gratiorem, ut ex tuæ gratitudinis promptitudine nostram et ipsius sedis gratiam et favorem in tuis et ejusdem viri ac filiorum tuorum agendis uberius merearis. Proinde, quum de probata fide ac nobis et fratribus nostris nota discretione dilecti filii, magistri Sinicii, cameræ nostræ clerici, plenarie confidentes, ipsum ad partes Angliæ et Yberniæ pro

colligendis censibus et denario beati Petri ac debitis terræ sanctæ et Romanæ ecclesiæ requirendis, aliisque nostris et ipsius ecclesiæ negociis destinemus, celsitudinem regiam rogandam duximus attentius et hortandam, quatinus ipsum in prosecutione negociorum ipsorum, habens pro nostra et apostolicæ sedis reverentia propensius commendatum, eidem super hiis fructuosum et efficax auxilium studeas impertiri apud dictum regem, ut præfato clerico, nostro et ipsius ecclesiæ nomine, in solutione census, in quo ecclesiæ prædictæ tenetur, pro præsenti et præteritis annis a tempore, quo census hujusmodi non extitit persolutus, se liberalem exhibeat, interponendo efficaciter partes tuas ; ita ut idem rex, tuæ inductionis instantia, in solutione census prædicti, difficultatis vel dilationis obicem non opponat, et dictus magister, tam super hoc quam super aliis sibi commissis a nobis in terris prædictis, tuo favore, intentionis nostræ propositum feliciter exequatur, nosque Serenitati tuæ teneamur exinde ad gratiarum uberes actiones.

Dat. Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

4.

Idem in eundem modum dilecto filio nobili viro Edwardo primogenito carissimi in Christo filii nostri regis Anglorum illustris, verbis competenter mutatis usque in finem.

Datum ut supra.

5.

§ 8.[1] *Idem dilecto filio magistro Sinicio, cameræ nostro clerico, apostolicæ sedis nuntio.*

De tuæ circumspectionis industria sinceram in domino fiduciam obtinentes, discretioni tuæ petendi, exigendi ac recipiendi per te vel per alium seu alios nostro et ecclesiæ Romanæ ac terræ sanctæ nomine—in partibus Angliæ, Walliæ, Scotiæ et Hyberniæ—ea omnia, quæ sedi apostolicæ vel eidem terræ sanctæ de censibus, denario beati Petri et debitis quibuscunque aut ex voto, seu promisso, decima vel vicesima, seu redemptionibus votorum tam crucesignatorum quam aliorum, vel depositis sive testamentis, aut bonis clericorum decedentium, ab intestato seu alias, quacunque ratione, modo vel causa, eisdem sedi apostolicæ et terræ sanctæ vel alteri earum a quibuscunque personis debentur, necnon et compellendi debitores et detentores hujsmodi ad solutionem prædictorum omnium faciendam, postquam tibi vel hiis, quibus super hiis commiseris vices tuas, de hoc per inquisitionem vel alio modo constiterit, eosque, qui pro

[1] Glossa: 'Angliæ rex rogatur ad solutionem census.'

hujusmodi debitis aut decima vel vicesima seu alia quacunque subventione sibi pro ejusdem ecclesiæ aut ipsius terræ sanctæ subsidiis vel ex quacunque causa impositis non solutis, excommunicationis, suspensionis, vel interdicti sententias incurrerunt, a præfatis sententiis, postquam de hiis tibi satisfactum fuerit, necnon et voventes hujusmodi absolvendi et faciendi etiam super hoc absolutionis litteras illis, qui debita ipsa persolverunt, aut de decima seu vicesima vel alia quacunque subventione hujusmodi tibi satisfecerunt. Contradictores quoque, cujuscunque conditionis, dignitatis, aut ordinis fuerint, appellatione postposita, per censuram ecclesiasticam compescendi liberam, auctoritate præsentium, concedimus facultatem, non obstantibus si personis aliquibus ab eadem sede indultum existat, quod per litteras sedis ipsius excommunicari et interdici nequeant vel suspendi, et quibuscunque indulgentiis vel privilegiis, per quæ mandati nostri executio in hac parte impediri valeat, vel etiam retardari, et de quibus plenam et expressam aut de verbo ad verbum opporteat in nostris litteris fieri mentionem, seu quibuscunque litteris apostolicis super exigendis et recipiendis eisdem debitis alii vel aliis destinatis, aut concessione a nobis vel prædecessoribus nostris super debitis ipsis facta quibuscunque personis et constitutione de duabus dietis edita in concilio generali, quum vero quam cito poteris, rescribas nobis, quid et quantum per te vel per alios inde duxeris colligendum, seu etiam hactenus alii collegerunt.

Datum Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

6.

§ 12. *Idem dilecto filio Q., sancti Adriani diacono cardinali, apostolicæ sedis legato.*

Etsi spe firma et indubitata de te fiducia teneamur, quod nostros et apostolicæ sedis nuntios benevolo affectu recipiens et pertractans eis in agendis, pro quibus ipsos transmittimus, absque ull.s precibus opportunum impertiaris auxilium et favorem, ne tamen videamur omittere, quæ sunt propensioris curæ studio persequendo, ea tuæ sinceritati tanto attentius commendamus, quanto in terris tuæ legationi commissis favor tuus in executione illorum magis dinoscitur fructuosus. Cum igitur de probata fide ac nobis et fratribus nostris nota discretione dilecti filii magistri Sinicii, cameræ nostræ clerici, plenarie confidentes, ipsum ad partes Angliæ, Walliæ, Scotiæ et Hyberniæ pro colligendis censibus et denario beati Petri ac debitis terræ sanctæ et Romanæ ecclesiæ requirendis, aliisque nostris et ipsius ecclesiæ negociis destinemus, discretionem tuam rogamus et hortamur attente, per apostolica tibi scripta mandantes,

quatinus ipsum, in eisdem negociis persequendis, habens pro nostra et apostolicæ sedis reverentia propensius commendatum, eidem super præmissis fructuosum consilium et efficax auxilium studeas impertiri, interponendo apud carissimum in Christo filium nostrum, illustrem regem Angliæ, ut dicto clerico, nostro et ipsius ecclesiæ nomine, in solutione census, in quo ecclesiæ prædictæ tenetur, pro præsenti et præteritis annis, quibus est in ejus solutione cessatum, se liberalem exhibeat, efficaciter partes tuas; ita quod idem rex interventionis tuæ studio in hujusmodi solutione census prædicti difficultatis vel dilationis obicem non opponat, et dictus magister tam super hoc quam super aliis sibi commissis apostolicæ sedis negociis, tuo auxilio et favore suffultus, intentionis nostræ propositum feliciter exequatur, nosque sinceritatem tuam possimus exinde merito commendare.

Datum Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

7.

§ 13. *Idem dilecto filio, fratri Johanni de Cancia, ordinis Fratrum Minorum, capellano nostro.*

Laudabilis honestatis et religionis tuæ testimonium ac fidei tuæ virtus, quam in agendis apostolicæ sedis expertam intelleximus, nos hortantur, ut personam tuam sincera complectentes in Domino caritate, sollicitudinem tuam in nostris et prædictæ sedis opportunitatibus fiducialiter requiramus. Cum igitur a carissimo in Kristo filio nostro, rege Anglorum illustri, census annuus mille marcarum sterlingorum, sicut nosti, sedi apostolicæ debeatur, et jam in ipsius per quinque annos sit solutione cessatum, nos, qui præfato regi super solutione census hujusmodi pro præteritis quinque annis et isto præsenti, dilecto filio magistro Sinicio, cameræ nostræ clerico, nostro et ipsius ecclesiæ nomine facienda, quem propter hoc et alia prædictæ sedis negotia ad partes Angliæ duximus destinandum, preces nostras et litteras dirigamus, devotioni tuæ, de qua fiduciam in Domino gerimus pleniorem, per apostolica mandamus, quatinus apud magnitudinem regiam, ut super solutione prædicta se liberalem exhibeat, et nullius difficultatis vel dilationis opponat obicem, interponas devote ac humiliter partes tuas, dictoque clerico in hoc et in aliis commissis sibi apostolicæ sedis negotiis pro nostra et ejusdem sedis reverentia favorabiliter efficaciterque assistens, impendas super hiis eidem consilium et auxilium opportunum, quotiens ab ipso fueris requisitus; ita quod nos studium et affectum tuum in hac parte per operis sentientes effectum sinceritatem tuam debeamus exinde merito commendare.

Datum Viterbii x. Kal. Junii, Pontificatus nostri anno secundo.

8.

§ 62. *Idem dilecto filio Q., sancti Adriani* (fol. 26) *diacono cardinali, apostolicæ sedis legato.*

Per varias nostras sub certis tenoribus injungimus tibi litteras, ut decimam partem omnium ecclesiasticorum reddituum et proventuum archiepiscoporum, episcoporum, aliorumque prælatorum, necnon ecclesiarum cathedralium et aliarum, monasteriorum, domorum prioratuum, ceterorumque locorum ecclesiasticorum, regularium et secularium, exemptorum et non exemptorum regni Angliæ, cujuscunque sint religionis vel ordinis—miliciæ templi hospitalis sancti Johannis Jerusalemitani, sanctæ Mariæ Theutonicorum, Cisterciensium, Cartusiensium, ordinis sanctæ Claræ domibus dumtaxat exceptis;—quam usque ad triennium ad subventionem carissimi in Christo filii nostri, regis Anglorum illustris, de fratrum nostrorum consilio, deputandam duximus, per te vel per alium, aut alios viros prudentes et fideles, quos ad hoc videris deputandos, per totum prædictum tempus in supradicto regno colligi facias diligenter,—in utilitates ipsius Angliæ regis secundum formam, quam per alias nostras tibi exprimimus litteras dispensandam. Quia vero, sicut tua discretio non ignorat, idem rex Anglorum in annuo censu ecclesiæ Romanæ tenetur, in cujus solutione aliquamdiu noscitur cessavisse, nos, volentes ipsi ecclesiæ debitam super hoc satisfactionem celeriter pervenire, volumus et discretioni tuæ per apostolica scripta mandamus, quatinus de decima ipsa, quæ in dicto regno collecta fuerit, inter cetera ipsi ecclesiæ de subtracto censu satisfieri memorato, ac ejusdem decimæ residuum in utilitates memorati regis Anglorum secundum litterarum, quas tibi super hoc dirigimus, continentiam facias dispensari.

Datum Viterbii x. Kal. Julii, Pontificatus nostri anno secundo.

III.

Regist. no. 37.

Bullarium Gregorii X., anno II.; § 123. XXXVIII.

Magistro Raymundo de Nogeriis, capellano et nuntio nostro in Anglia . . .[1]

Solutionem per te factam Perrachio Scoualoco et Raynaldo de Molendino ac aliis suis sociis, civibus et mercatoribus Placentinis,

[1] This is the rubric. In the margin is added: 'Nuncio nostro in Anglia.'

de mille centum et sexaginta marchis septem solidis et octo denariis sterlingorum, quos de censu, quem denarium sancti Petri vulgariter dictum ecclesia Romana in regno Angliæ percipit annuatim, ipsius ecclesiæ nomine collegisti, ratam habentes, fatemur nobis et eidem ecclesiæ de quantitate prædicta, eisdem mercatoribus persoluta, plenarie satisfactum, præsentes tibi litteras in hujus rei testimonium concedentes.

Datum Lugduni xi. Kal. Marcii, anno II.

IV.

Registr. no. 39.

Bullarium Nicolai III., an. I., tom. i., fol. 109, Nr. 110.

Regi Angliæ illustri.[1]

Dilecti filii, frater Johannes de Derlenton', ordinis Fratrum Prædicatorum, et magistri Henricus ac Guillelmus celsitudinis tuæ nuntii, ex parte tua in nostra et fratrum nostrorum proposuerunt præsentia constituti, quod tu, volens consultius providere, quod census annuus mille marcarum sterlingorum, ad quem ratione regni Angliæ ac Yberniæ nobis et ecclesiæ Romanæ teneris, non solum tuo, sed et successorum tuorum temporibus, pacifice persolvatur, instanter postulas, in hoc tuis desideriis annui, quod census ipse per manus aliquorum abbatum et priorum ejusdem regni, quorum monasteriis paratus es ad id sufficientes possessiones et redditus assignare, de cetero persolvatur; ita quod, si dicti abbates et priores in solutione deficerent, tu eos ad hoc una nobiscum per eosdem redditus et possessiones ac alia eorum bona cogere tenearis. Sane, fili carissime, quantumcunque libenter in hiis, quæ tibi expedimus, votis tuis annuere, prout secundum Deum poterimus, intendamus, tamen scire te volumus, quod super præmissis cum fratribus nostris deliberatione perhibita, patenter advertimus, quod non honori sedis apostolicæ congruit, nec tuis utilitatibus expedit, et ideo nec nos ipsi proponimus

[1] This is the rubric. Later addition: 'Angliæ regi, qui ratione regni Angliæ et Hiberniæ in censu annuo mille marcarum sterlingorum ecclesiæ Romanæ tenetur, petenti, quod census ipse per manus aliquorum abbatum et priorum ejusdem regni, quorum monasteriis paratus est ad id sufficientes possessiones et redditus assignare, de cetero persolvatur, respondetur, non congruere honori sedis apostolicæ nec regis utilitatibus expedire, ideoque nil velle super eodem censu pontificem immutare.' An. i. fol. 109, no. 3.

circa ea, quæ super eodem censu per nostros prædecessores et tuos sunt acta sollemniter et servata diutius, aliquid immutare.

Datum Viterbii, Kal. Augusti, anno primo

V.

Registr. no. 42.

BULLARIUM MARTINI IV., AN. I.–V, tom. ii.

1.

An. I. § 56.[1] *Martinus etc. carissimo in Christo filio, regi Anglorum illustri, salutem etc.*

Quanto erga Romanam ecclesiam, matrem tuam, uberiori devotione novimus te fervere, tanto sinceritatem tuam ad ea, in quibus eidem ecclesiæ teneris ex debito, fidentialius nostris litteris excitamus, sperantes, ut eo libentius et liberalius debitum ipsum solvas, quo ex hoc regium honorem studiosius persequi et benevolentiam nostram uberius nosceris promereri. Cum igitur census annuus mille marcarum sterlingorum a te, sicut nosti, prædictæ debeatur ecclesiæ, fueritque jam per triennium proxime præteritum in ipsius solutione cessatum, et etiam pro anno præsenti, terminando in proximo, debeatur ; Serenitatem regiam requirimus et rogamus attente, per apostolica tibi scripta mandantes, quatinus eundem censum pro triennio prædicto et isto præsenti anno dilecto filio magistro Giffredo, cameræ nostræ clerico, in Anglia commoranti,[2] nostro et ecclesiæ prædictæ nomine, facias integre ac liberaliter assignari, ita quod nos id gratum habentes, magnificentiam tuam possimus exinde merito commendare.

Datum apud urbem xii. Kal. Septembris, Pontificatus nostri anno primo.

2.

§ 57. *Idem . . . dilecto filio magistro Giffredo, cameræ nostræ clerico.*

Cum carissimum in Christo filium nostrum, regem Angliæ illustrem, nostris litteris sub certa forma specialiter requiramus, ut annuum censum mille marcarum sterlingorum, in quo pro triennio proxime præterito et etiam pro præsenti anno, in proximo terminando, nobis et ecclesiæ Romanæ tenetur, pro eodem triennio et

[1] Glossa in the margin : 'Pro censu Angliæ.'

[2] Compare Paul Fabre, *Étude sur le Liber Censuum*, page 140, note 3.

præsenti anno tibi—nostro et ecclesiæ prædictæ nomine—integre et liberaliter faciat assignari, volumus et præsentium tibi auctoritate mandamus, quatinus easdem litteras ex parte nostra regi repræsentans eidem, apud ipsum, ut de præfato censu juxta litterarum nostrarum tenorem tibi, nostro et ecclesiæ dictæ nomine, satisfaciat, insistas studio et sollicitudine opportunis; censum ipsum dilectis filiis Durazo Ubitti (?) de societate Rumbtinorum, Mario Viati de societate Thomasii, et Hugonis Spinæ ac Bartholomæo Marchi de societate Bonaventuræ Bernardini, Florentinis et Senensibus, sociis mercatorum cameræ nostræ, assignaturus ad opus ipsius cameræ, et recepturus de assignatione hujusmodi ab eis patentes ipsorum litteras sive publicum instrumentum, quod ad eandem cameram per fidelem nuntium studeas destinare.

Datum ut supra.

3.

§ 58. *Eidem magistro Giffredo, cameræ nostræ clerico.*

Cum super solutione annui census mille marcarum sterlingorum, in quo carissimus in Christo filius noster rex Angliæ, pro triennio præterito et etiam pro præsenti anno in proximo terminando, nobis et ecclesiæ Romanæ tenetur, tibi, nostro et ipsius Romanæ ecclesiæ nomine, facienda sub certa forma eundem regem per nostras litteras requiramus, nos de discretionis tuæ industria plenarie confidentes, faciendi eidem regi, nostro et ecclesiæ præfatæ nomine, refutationem plenariam de hujusmodi census quattuor annorum, postquam de illo tibi, nostro et ipsius ecclesiæ nomine, fuerit integre satisfactum, plenam tibi, auctoritate præsentium, concedimus facultatem.

Datum ut supra.

4.

§ 59. *Idem eidem.*

Cum super solutione annui census mille marcarum sterlingorum, in quo carissimus in Christo filius noster, rex Angliæ illustris, pro triennio præterito et etiam pro præsenti anno, in proximo terminando, nobis et ecclesiæ Romanæ tenetur, tam ei quam tibi nostras sub certa forma litteras destinemus, prout in eisdem litteris plenius perspexeris contineri, nos, ne super hoc a dicto rege eo prætextu, quod faciendi sibi refutationem de hujusmodi receptione census, nomine nostro et Romanæ ecclesiæ, nulla est tibi facultas per easdem litteras attributa, aliquod obstaculum ingeratur, vel ejusdem census solutio retardetur, faciendi refutationem et quietantiam de dicto

censu, nostro nomine et præfatæ Romanæ ecclesiæ, postquam tibi de illo juxta prædictarum litterarum tenorem fuerit plenarie satisfactum per litteras, quas sub bulla nostra tibi inclusas transmittimus, concedimus facultatem, discretioni tuæ tenore præsentium firmiter injungentes, quatinus hujusmodi facultatem, tibi concessam, alicui non reveles nec litteris, super ea confectis, utaris nisi in eo censu dumtaxat, videlicet si præfatus rex propter dictæ refutationis defectum hujus census solutionem deferret vel etiam retardaret. Si vero ex tali causa idem rex eandem solutionem non averterit vel non curaverit differendum, præfatas litteras, cancellatas sub sigillo tuo, ad nostram cameram per fidelem nuntium remittere non postponas.

Datum apud urbem sanctam xii. Kal. Septembris, anno primo.

5.

§ 140. *Martinus etc. dilecto filio magistro Giffredo de Veçano, canonico Cameratensi, cameræ nostro clerico, salutem etc.*

De tuæ circumspectionis industria sinceram in Domino fiduciam obtinentes, discretioni tuæ petendi, exigendi ac recipiendi per te vel per alium seu alios, nostro et ecclesiæ Romanæ nomine, in partibus Angliæ, Walliæ, Scotiæ et Hyberniæ ea omnia, quæ sedi apostolicæ de censibus, denario beati Petri, et debitis quibuscunque, quacunque ratione, modo, vel causa eidem sedi apostolicæ a quibuscunque personis debentur, necnon et compellendi debitores et detentores ad hujusmodi solutionem prædictorum omnium faciendam, postquam tibi vel eis, quibus super hiis commiseris vices tuas, de hoc per inquisitionem vel alio modo constiterit, eosque, qui pro hujusmodi debitis non solutis excommunicationis, suspensionis vel interdicti sententias incurrerunt, a præfatis sententiis, postquam de hiis satisfactum fuerit, absolvendi et faciendi super hoc litteras absolutionis illis, qui debita ipsa persolverunt ; contradictores quoque, cujuscunque conditionis, dignitatis, aut ordinis fuerint, appellatione post posita, per censuras ecclesiasticas compescendi liberam, auctoritate præsentium, concedimus facultatem, non obstantibus si personis aliquibus ab eadem sede indultum existat, quod per litteras sedis ipsius excommunicari, interdici nequeant vel suspendi, et quibuscunque indulgentiis vel privilegiis, per quæ mandati nostri executio in hac parte impediri valeat vel etiam retardari, et de quibus plenam et expressam aut de verbo ad verbum opporteat in nostris litteris fieri mentionem, seu quibuscunque litteris apostolicis super exigendis et recipiendis eisdem debitis, alii vel aliis destinatis, et constitutione de duabus dietis edita in concilio generali.

Quum vero, quam cito poteris, rescribas nobis, quid et quantum per te vel per alios inde duxeris colligendum.

Datum apud urbem veterem Non. Martii, Pontificatus nostri anno primo.

6.[1]

§ 141. *Martinus etc. dilecto filio magistro Giffredo de Veçano, canonico Cameratensi, cameræ nostræ clerico, apostolicæ sedis nuntio, salutem etc.*

Significasti nobis, quod licet archiepiscopi, episcopi, et alii ecclesiarum prælati regni Angliæ denarium beati Petri, debitum in regno ipso Romanæ ecclesiæ, exigant et colligant ab illis, qui denarium ipsum debent, nomine ecclesiæ memoratæ, tamen ipsi nuntio sedis apostolicæ, qui ad hoc in ipso regno pro tempore deputatur, de ipso denario, prout debent, integre non respondent, propter quod cameræ nostræ juribus non modicum præjudicium generatur ; nos, qui dictæ cameræ indempnitati præcavere volentes, discretioni tuæ per apostolica scripta mandamus, quatinus, inquisita diligentius veritate, si præfati prælati denarium ipsum consueverunt colligere ab antiquo, et quo modo, qua auctoritate, si de consuetudine vel ordinatione nuntiorum, et si ex tali denario ipsi collectores consueverunt retinere aliquid, vel hoc [2] [*a*] vel a quo tempore citra talia receperunt, et utrum nuntii dictæ sedis, qui fuerunt pro tempore, denarium ipsum collegerunt per se ipsos vel alios, quibus id [*b*] specialiter ducerent [*c*] committendum, ac de omnibus aliis circumstantiis, de quibus ad hujus instructionem negotii videris inquirendum, quicquid inde inveneris et quale super hiis posset sine scandalo remedium adhiberi, nobis per tuas litteras, harum seriem continentes, studeas intimare, ut circa præmissa plenius informati, annuente Domino, providere possimus de remedio opportuno.

Datum apud urbem veterem Non. Martii, Pontificatus nostri anno primo.

7.

§ 143. *Martinus IV. etc. venerabilibus fratribus archiepiscopis et episcopis ac dilectis filiis abbatibus, prioribus et aliis ecclesiarum prælatis et clericis præsentes litteras inspecturis : salutem et apostolicam benedictionem.*

Cum dilectum filium magistrum Giffredum etc. ad colligendum census et quædam alia ecclesiæ Romanæ debita duxerimus

[1] The latter half (from 'discretioni tuæ') of this letter has been given with some inaccuracies by P. Fabre, *Étude*, page 143, note.

[2] Here P. Fabre (*Étude*, p. 143, note) incorrectly reads, (*a*) habere ; (*b*) ad ; (*c*) duxerint.

deputandum, ne de hujusmodi censibus aut de locis, a quibus debentur, dubitari contingat, census et nomina ipsorum locorum, sicut in provincialibus ejusdem ecclesiæ Romanæ continentur, sub bulla nostra fecimus annotari.

In *Anglia*, in episcopatu *Cantuarensi*, monasterium sancti *Salvatoris de Ferveschan* una marca etc.

Datum apud urbem veterem Idus Martii, Pontificatus nostri anno primo.

8.

§ 113. *Quietantia facta regi Angliæ de censu soluto usque ad Septembrem* 1277.

Martinus IV. etc. carissimo in Christo filio, regi Anglorum illustri, salutem etc.

Ex parte tua fuit propositum coram nobis, ut cum de annuo censu mille marcarum argenti, in quo ecclesiæ Romanæ teneris, pro octannio jam transacto in festo beati Michaëlis de mense Septembris tunc currente anno Domini millesimo ducentesimo septuagesimo septimo terminato ipsi Romanæ ecclesiæ fuerit pro parte tua per diversas solutiones integre satisfactum, nec fueris de satisfactione hujusmodi a sede apostolica opportunas quietationis litteras assecutus, a nobis petebatur, ut providere tibi in hac parte paterna diligentia curaremus: nos, qui petitioni tuæ utpote justæ benignius annuentes, præsentium tenore fatemur de censu hujusmodi pro præfato octannio fore Romanæ ecclesiæ satisfactum, ad tuam tuorumque hæredum cautelam et futuram memoriam præsentes tibi litteras concedentes.

Datum apud urbem veterem Non. Februarii, Pontificatus nostri anno primo.

9.

§ 209. *Martinus IV. etc. carissimo in Christo filio, regi Anglorum illustri, salutem etc.*

Honorem tuum, fili carissime, decere credimus ac tuis et regni tui profectibus expedire, ut quod juste debes sacrosanctæ Romanæ ecclesiæ, matri tuæ, sic prompte exsolvas, quod gratiam acquiras ex debito et commendari mereatur celsitudo regia ex affectu. Cum igitur census annuus mille marcarum sterlingorum a te, sicut nosti, Romanæ ecclesiæ debeatur, Serenitatem regiam requirimus et rogamus intente per apostolica tibi scripta mandantes, quatinus censum ipsum pro duobus annis transactis terminatis in festo beati Michaëlis proxime præterito, dilecto filio, magistro Giffredo, cameræ nostræ clerico, in Anglia commoranti, has tibi litteras præsentanti, nostro et ecclesiæ prædictæ nomine, facias integre et liberaliter assignari; ita

quod nos, id gratum habentes, magnificentiam tuam possimus exinde merito commendare.

Datum apud urbem veterem Idus Februarii, Pontificatus nostri anno tertio.

10.

§ 210. *Martinus IV. etc. . . dilecto filio magistro Giffredo, cameræ nostræ clerico, in Anglia commoranti . . salutem etc.*

Cum carissimum in Christo filium nostrum, . . . regem Anglorum illustrem, nostris litteris specialiter requiramus, ut annuum censum mille marcarum sterlingorum, in quo ecclesiæ Romanæ tenetur, pro duobus annis transactis terminatis in festo sancti Michaëlis proxime præterito, tibi, nostro et ecclesiæ prædictæ nomine, integre et liberaliter faciat assignari ; volumus et præsentium tibi tenore mandamus, quatinus dictas litteras regi repræsentans eidem, ut de præfato censu juxta ipsarum litterarum tenorem satisfaciat, insistas apud eum studio et sollicitudine opportunis, assignaturus censum ipsum ad opus cameræ nostræ sociis mercatorum ipsius cameræ, in Anglia commorantibus, de societatibus Thomasii Spiliati et Hugonis Spinæ, Pulicorum (?) et Rumbtinorum (?) [1] de Florentia ; Bonaventuro Bernardini de Senis et Riczardorum de Luca, et recepturus ab eis de assignatione hujusmodi patentes ipsorum litteras sive publicum instrumentum, quod ad eandem cameram per fidelem nuntium studeas destinare.

Datum ut supra.

11.

§ 211. *Martinus IV. etc. dilecto filio magistro Giffredo, cameræ nostræ clerico, in Anglia commoranti, salutem etc.*

Cum super solutione annui census mille marcarum sterlingorum, in quo carissimus in Christo filius noster . . . rex Anglorum illustris pro duobus annis etc. tenetur, tibi, nostro et ipsius ecclesiæ nomine. facienda, eundem regem per nostras litteras requiramus ; nos, de tuæ discretionis industria plenarie confidentes, faciendi eidem regi nostro et ecclesiæ præfatæ nomine refutationem plenariam de hujusmodi censu duorum annorum, postquam tibi de illo præfato nomine fuerit integre satisfactum, plenam tibi, auctoritate præsentium, concedimus facultatem.

Datum ut supra.

[1] V. supra, p. 257.

VI.

Registr. no. 46. (46).

Bullarium Nicolai IV. anno V.

1.

§ 38. *Nicolaus*[1] *episcopus, servus servorum Dei, carissimo in Christo filio Eduardo, regi Angliæ illustri, salutem et apostolicam benedictionem.*

Inter alia nuper nobis dilecti filii, nobiles viri: Johannes de sancto Johanne et Rogerus, dictus Lestrange, tuæ celsitudinis nuntii, ex parte regia petierunt, quod cum providere intenderes, ut census annuus mille marcarum sterlingorum, ad quem ratione regni Angliæ ac Yberniæ nobis et ecclesiæ Romanæ teneris, non solum tuo, sed et successorum tuorum temporibus, pacifice persolvatur, concederemus, quod census ipse in aliquibus ipsius regni ecclesiis de cetero persolvatur. Profecto, fili carissime, felicis recordationis Nicolao papa III°, prædecessore nostro, petitionem similem factam per te fuisse comperimus, qui tibi, cum fratribus suis perhabita deliberatione, respondit, quod cum id nec sedis apostolicæ conveniret honori, nec tuis etiam utilitatibus expediret, non proponebat circa ea, quæ super eodem censu per suos prædecessores et tuos erant acta sollempnius et servata diutius, aliquid immutare. Licet igitur satisfaciamus libenter, in quibus cum Deo possimus, votis tuis, scire tamen te volumus, quod hujusmodi prædecessoris ejusdem cum fratribus nostris responsione diligentius recensita et super præmissis deliberatione perhabita diligenti, patenter advertimus, quod talis concessio non congruit præfatæ sedis honori, nec tuis videtur commodis salubriter expedire, propter quod non proponimus aliquid immutare circa ea, quæ super eodem censu per nostros prædecessores et tuos acta sollempnius et servata diutius dinoscuntur.

Datum Romæ apud sanctam Mariam Majorem, Kal. Martii, anno quinto.

2.

§ 39. *Dilecto filio magistro Giffredo de Veçano, canonico Cameratensi, cameræ nostræ clerico ac nuntio apostolicæ sedis in Anglia.*

Ad ea, quæ carissimus in Christo filius noster Eduardus, Angliæ rex illustris, super censu, ad quem idem rex ecclesiæ Romanæ

[1] This Pope decreed by a bull of July 18, 1289, that the feudal tribute as well as Peter's pence should in future be divided between the Cardinals' College and the Pope. Comp. Potthast, *Registr.* no 23010.

tenetur, et super negotio regni Scotiæ[1] nuper a nobis per suos nuntios postulavit, ei per diversas litteras nostras respondemus, quas per præsentium portatores transmittimus, per te præsentandas eidem. Quocirca discretioni tuæ per apostolica scripta mandamus, quatenus præfato regi discrete, prout noster et suus honor exposcit, ipsas litteras repræsentes, de habenda responsione sua, qua (?) ad eas, cum non oporteat, ullatenus curaturus. Quod autem super assignatione prædictarum nostrarum feceris litterarum, nobis per tuas patentes litteras, earundem nostrarum seriem continentes, vel per instrumentum publicum remittere fideliter non omittas.

Datum ut supra.

VII.

Registr. no. 446.

Introitus et exitus cameræ et palatii apostolici anno 1299, *Kal. Decembr.*[2]

Item receptum a magistro Giffredo, quondam nuntio domini papæ in Anglia, et nunc episcopo Parmensi, pro parte denarii sancti Petri anni LXXXXVII[i] et LXXXXVIII[i] et quibusdam censibus.

ii[c] lvii libr. xviii sol. et viii den. sterling.

VIII.

Registr. no. 50.

I

Bullarium Bonifacii VIII[i], anno VII.

§ 389. *Carissimo in Christo filio nostro, regi Angliæ illustri.*[3]

Quanto erga Romanam ecclesiam, matrem tuam, uberiori devotione novimus te fervere, tanto sinceritatem tuam ad ea, in quibus eidem ecclesiæ teneris, ex debito fiducialius nostris litteris excitamus sperantes, ut eo libentius et liberalius debitum ipsum solvas, quo ex hoc regium honorem studiosius persequi et

[1] *Vide* § 37 in the same MS.

[2] In schedis: 'Denarius sancti Petri in Anglia solvitur.'

[3] Rubric. In schedis: 'Angliæ rex solvit censum pro xi. annis debitum, præsenti non computato.'

benevolentiam nostram uberius nosceris promereri. Cum igitur census annuus mille marcarum sterlingorum a te, sicut nosti, prædictæ debeatur ecclesiæ, fueritque jam per xi. annos proxime præteritos in ipsius solutione cessatum, et etiam pro anno præsenti, terminando in proximo festo beati Michaëlis de Septembri, debeatur; serenitatem regiam requirimus et rogamus attente, per apostolica tibi scripta mandantes, quatinus eundem censum pro xi. prædictis et isto præsenti annis dilecto filio magistro Bartholo de Ferentino, canonico Londoniarum, latori præsentium, nostro et ecclesiæ prædictæ nomine, sublato dilationis et difficultatis obice, facias integre ac liberaliter assignari, ita quod, id gratum habentes, magnificentiam tuam possimus exinde merito commendare.

Datum Lateran. xv. Kal. Aprilis anno VII.

2.

§ 390. *Dilecto filio magistro Bartholo de Ferentino, canonico Londoniarum.*[1]

Quum super solutione annui census mille marcarum sterlingorum, in quo carissimus in Christo filius noster, rex Angliæ illustris, pro xi. præteritis et præsenti, terminando in proximo festo beati Michaëlis de Septembri, annis, nobis et ecclesiæ Romanæ tenetur, tibi, nostro et ipsius ecclesiæ Romanæ nomine, facienda, sub certa forma eundem regem per nostras litteras requiramus, nos, de discretionis tuæ industria plenarie confidentes, ac nolentes quod in solutione hujus census aliquod ingeratur obstaculum, vel ipsius solutio retardetur, faciendi eidem regi, nostro et ecclesiæ Romanæ præfatæ nomine, refutationem et quietationem plenariam de censu prædicto, postquam de illo, juxta prædictarum litterarum nostrarum tenorem, tibi fuerit integre satisfactum, plenam tibi auctoritate præsentium concedimus facultatem.

Datum ut supra.

3.

§ 391. *Eidem.*

Quum carissimum in Christo filium nostrum, regem Angliæ illustrem, nostris litteris sub certa forma specialiter requiramus, ut annuum censum mille marcarum sterlingorum, in quo pro xi. annis proxime præteritis et etiam pro præsenti anno, in proximo festo beati Michaëlis de Septembri terminando, nobis et ecclesiæ Romanæ tenetur, pro eisdem xi. et præsenti annis, tibi, nostro et ecclesiæ prædictæ nomine, sublato dilationis et difficultatis obice,

[1] The rubric.

integre et liberaliter faciat assignari, volumus et præsentium auctoritate mandamus, quatinus easdem litteras ex parte nostra regi repræsentans, eundem apud ipsum, ut de præfato censu, juxta litterarum ipsarum tenorem, tibi, nostro et dictæ ecclesiæ nomine, satisfaciat, insistas studio et sollicitudinibus opportunis, censum ipsum dilectis filiis : de Spinarum et de Mozarum de Florentia ac de Clarentu de Pistorio, societatum mercatoribus, cameræ nostræ in Anglia morantibus assignaturus, ad opus ipsius cameræ, ac recepturus ab eis de assignatione hujusmodi patentes ipsorum litteras sive publicum instrumentum, quod ad eandem cameram per fidelem nuntium studeas destinare ; et nobis nichilominus per tuas litteras rescripturus, quid, quantum, et quo tempore a prædicto rege de hujusmodi censu receperis, et mercatoribus assignaveris memoratis.

Datum Lateran. xv. Kal. Aprilis anno septimo.

IX.

Registr. no. 60.

Bullarium Clementis V[i], anno VIII.

1.

§837. *Dilecto filio magistro Guillelmo de Balaëto, archidiacono Foromliensi, capellano nostro.*[1]

Ad nostrum pervenit auditum, quod licet denarius sancti Petri per eos, qui illum consueverunt colligere in regno Angliæ, colligatur, minus tamen fideliter nobis et ecclesiæ Romanæ illius solutio exhibetur, et quantum felicis recordationis Nicolaus papa IIII., prædecessor noster, venerabilibus fratribus nostris archiepiscopis et episcopis, necnon electis abbatibus, prioribus, decanis, archidiaconis, præpositis, officialibus, rectoribus, archipresbyteris, plebanis, et aliis ecclesiarum prælatis, per regnum Angliæ constitutis, suis injunxerit litteris, ut pecuniam hujusmodi collectam et nondum solutam bonæ memoriæ Giffredo, episcopo Parmensi, tunc clerico cameræ, et nuntio sedis apostolicæ in Anglia, integre solvere procurarent, ipsis tamen nonnullas excusationes prætendentibus et appellantibus a processibus super hoc habitis, nuntio memorato nondum pervenit condigna satisfactio de promissis, neque dilectus filius noster Guillelmus Testa, sanctæ Romanæ ecclesiæ presbyter cardinalis, tunc archidiaconus Aranensis in ecclesia Convenar', quem nobis ad statum apostolicæ

[1] The rubric.

dignitatis assumptis ad partes easdem pro tuis et aliis ecclesiæ prædictæ negotiis duximus destinandum, condignam satisfactionem recepit de prædictis, quamvis super hoc instanter et sollerter laborarit, de quo nobis eo potioris admirationis causa laboretur, quo majoris devotionis fideique sinceritas in regno ipso anteactis consuevit temporibus inveniri. Unde cum hujusmodi negotium eo magis commendatum specialiter habeamus, quo per hujus minus plenæ solutionis effectum præfata ecclesia jure suo non modicum defraudatur, eosdem archiepiscopos et episcopos, electos abbates, priores, decanos, archidiaconos, præpositos, officiales, rectores, archipresbyteros, plebanos, et alios ecclesiarum prælatos per alias nostras litteras,[1] rogandos attente duximus et hortandos, dantes eis nichilominus in mandatis, ut pro nostra et apostolicæ sedis reverentia circa collectionem denarii supradicti opem et operam, prout utilius expedire putaverint, impendentes, pecuniam ex denario ipso collectam et nondum solutam et etiam colligendam tibi vel tuo certo nuntio, nostro et ecclesiæ Romanæ nomine, integre ac fideliter assignare procurarent, sic se in hac parte sollicite ac efficaciter habituri, ut jura ipsius ecclesiæ sincere diligere ac illæsa et integra conservare per effectum operam demonstrent, ac illos aut aliquem eorundem non contingat occasione prædictæ pecuniæ non integre persolutæ laqueo excommunicationis involvi, sed nos devotionem ipsorum dignis exinde in Domino laudibus attollamus. Quocirca discretioni tuæ per apostolica scripta mandamus, quatinus eosdem archiepiscopos et episcopos et prælatos ex parte nostra moneas et inducas, ut contenta in eisdem litteris[1] studeant adimplere, alioquin per te vel alium seu alios, secundum quod utilius et melius videris expedire, dictum denarium cum integritate colligere et recipere non postponas; contradictores et rebelles per censuram ecclesiasticam, appellatione postposita, compescendo, invocato ad hoc, si opus fuerit, auxilio brachii sæcularis; non obstantibus contrariis consuetudinibus, litteris, privilegiis, ac indulgentiis quibuscunque, per quæ tuæ jurisdictionis explicatio in hac parte possit quolibet modo impediri, et de quibus fieri debeat in ipsis litteris mentio specialis; nobis quid in prædictis inveneris, feceris, et receperis ab eisdem plenarie rescripturus.

Datum Avinion. viii. Id. Martii, anno VIII°.

2.

§ 838. *Eidem*,

Dudum de circumspectionis industria et fidei puritate dilecti filii nostri Guillelmi de Testa, sanctæ Romanæ ecclesiæ presbyteri cardi-

[1] *Vide* letter Nr. 4 (§ 840), p. 267.

nalis, plenam in Domino fiduciam obtinentes, eum tunc archidiaconum Aranensem in ecclesia Convenar' ad Angliæ, Walliæ, Scotiæ et Iberniæ partes pro quibusdam ecclesiæ Romanæ negotiis meminimus destinasse. Cum itaque præsentia cardinalis præfati, quem nuper in eisdem partibus prædicta negotia prosequentem ob suorum excellentiam meritorum promovimus ad cardinalatus honorem, sit nobis apud sedem apostolicam plurimum opportuna, ipsum per alias nostras litteras duximus revocandum. Verum de tua prudentia et discretione probata gerentes in Domino fiduciam specialem, et sperantes, quod ea, quæ per nos tuæ industriæ committuntur, fidelibus et sollicitis studiis exequi procurabis, te præfato cardinali in prædictis negotiis auctoritate apostolica subrogamus, tibi exequendi prædicta negotia et in eis, prout expedire videris, procedendi, omnem, quam in eisdem negotiis dictus cardinalis habuit, et alias, plenam et liberam concedentes, auctoritate præsentium, potestatem.

Datum ut supra proxime.

3.

§ 839. *Eidem.*

Quum te ad partes Angliæ, Walliæ, Scotiæ et Yberniæ pro ecclesiæ Romanæ redditibus exigendis et recolligendis ac peragendis[1] in eis negotiis destinemus petendi et recipiendi a carissimo in Christo filio nostro, Eduardo, rege Angliæ illustri, censum, in quo ipse prædictæ tenetur ecclesiæ, tam pro præterito, quo in ejus solutione cessatum exstitit, quam pro futuro, cum termini solutionis advenerint, sibique (!) vel patri suo ejus nomine quietationem de hiis, quæ propter hoc ab eo receperis, et quæcunque circa præmissa fuerint opportuna, nostro et ipsius ecclesiæ nomine, faciendi plenam tibi concedimus, tenore præsentium, facultatem.

Datum ut supra in proximo.

4.

§ 840. Clemens etc. . . . venerabilibus fratribus, archiepiscopis et episcopis ac dilectis filiis, electis abbatibus, prioribus, præpositis, archidiaconis, archipresbyteris, plebanis, et aliis ecclesiarum prælatis, et eorum vices gerentibus ac ecclesiasticis personis, religiosis et secularibus, ecclesiarum, monasteriorum capitulis et conventibus, exemptis et non exemptis, Cisterciensium, Cluniacensium, Cartusiensium, Præmonstratensium, sancti Benedicti et sancti Augustini et aliorum ordinum, necnon magistris, præceptoribus hospitalis sancti Johannis Jerusalemitani et beatæ Mariæ Theutonicorum et

[1] Perhaps this should read 'pro agendis' etc.

Calatravensium domorum, per partes Angliæ, Walliæ, Scotiæ et Yberniæ constitutis, ad quos litteræ istæ pervenerint etc. . . .

Cum nos dilectum filium magistrum Guillelmum de Balaëto, archidiaconum Foromliensem, capellanum nostrum, latorem præsentium, quem nuntium nostrum et apostolicæ sedis in partibus Angliæ, Walliæ, Scotiæ et Yberniæ pro quibusdam ecclesiæ Romanæ negotiis duximus deputandum, ad partes ipsas pro eisdem negotiis destinemus, universitatem vestram monemus, rogamus, et hortamur, ac per apostolica nostra scripta mandamus, quatinus eundem capellanum, cum per partes vestras transitum fecerit, ob reverentiam apostolicæ sedis et nostram benigne recipientes et honeste tractantes, sibi de salvo conductu ac pro suis et familiæ suæ necessariis in septem solidis sterlingorum singulis diebus, dum in partibus illis fuerit, cum super hiis ex parte nostra per ipsum vel ejus nuntium fueritis requisiti, liberaliter providere curetis. Et si dictum capellanum in aliquibus locis vel loco moram trahere contigerit, volumus, quod non solum earundem sed etiam vicinarum partium, sicut idem capellanus pro hujusmodi oneribus dividendis et facilius supportandis expedire viderit ; archiepiscopi, episcopi, electi abbates, priores, decani, præpositi, archidiaconi, archipresbyteri, plebani et alii ecclesiarum prælati, eorunque vices gerentes ac personæ ecclesiasticæ, religiosæ et sæculares, ecclesiarum et monasteriorum capitula et conventus, exempti et non exempti, Cistercienses, Cluniacenses, Cartusienses, Præmonstratenses, sancti Benedicti et sancti Augustini et aliorum ordinum, necnon magistri et præceptores hospitalis sancti Johannis Jerusalemitani, sanctæ Mariæ Theutonicorum, et quorumcunque aliorum locorum ecclesiasticorum contribuere in subventionibus hujusmodi teneantur; sic itaque mandatum nostrum efficaciter adimplere curetis, quod possitis exinde merito commendari. Alioquin sententiam, quam ipse rite tulerit in rebelles, ad quod sibi (!) concedimus, auctoritate præsentium, plenariam potestatem, ratam habebimus et faciemus, auctore Domino, usque ad satisfactionem condignam, appellatione remota, inviolabiliter observari (!), non obstantibus si aliquibus est ab eadem sede indultum, quod nuntius sedis ipsius aliquam procurationem exhibere vel in ipsa contribuere nisi ad eos declinaverint, minime teneantur, seu quod interdici, suspendi, vel excommunicari non possint per litteras apostolicas, non facientes plenam et expressam de indulto hujusmodi mentionem, aut quibuslibet privilegiis vel indulgentiis apostolicis quibuscunque personis, locis, vel urbibus sub quavis forma verborum ab eadem concessis, de quibusquorumque concessionibus in nostris litteris

mentio sit habenda, per quæ præsens mandatum nostrum posset quolibet modo impediri.

Datum ut supra proximo.

X.

Registr. No. 109.

EPISTOLÆ SECRETÆ JOHANNIS XXII., tom. i., annis I.–II.

I

§ 275.[1] *Scribit Guillelmo et Lucæ, cardinalibus, ut regem Angliæ moneant, ut ea quæ debet Romanæ ecclesiæ ratione regni sui solvat, necnon et homagium præstet apostolicæ sedis nuntiis.*

Dilectis filiis Guillelmo, titulo sanctorum Marcelli et Petri, presbytero, et Lucæ, sanctæ Mariæ in Via Lata diacono, cardinalibus, apostolicæ sedis nuntiis. Magna vestræ circumspectionis industria, nobis utique non ignota, vestræque devotionis integritas, qua erga sanctam Romanam ecclesiam, matrem vestram, cujus estis membra nobilia, vigere noscimini, nos inducunt, ut ea, in quibus ipsius ecclesiæ interesse tangi conspicimus,[2] vobis fiducialiter committamus. Sane, scire vos volumus, quod claræ memoriæ Johannes, rex Angliæ illustris, olim, dum viveret, Deo et sanctæ matri ecclesiæ, quod se offendisse humiliter fatebatur in multis, reconciliari desiderans, sua voluntate spontanea ac de baronum suorum communi consensu ipsi Deo et beatis Petro et Paulo, ejus apostolis, necnon sanctæ Romanæ ecclesiæ ac felicis recordationis Innocentio papæ III°, prædecessori nostro, ejusque catholicis successoribus pro suorum et illorum de genere suo remissione peccatorum totum regnum Angliæ ac totum regnum Yberniæ cum omni jure et pertinentiis eorundem liberaliter obtulit et concessit. Et ex tunc illa a Deo et ecclesia memorata tanquam feudatarius recipiens atque tenens in præsentia bonæ memoriæ Bartholomæi Tusculani episcopi, apostolicæ sedis legati, et quondam Pandulphi, subdiaconi, familiaris prædecessoris ejusdem, fidelitatem exinde publice fecit prædecessori prædicto per manus præfati legati recipientis loco et vice prædecessoris ipsius, obligans nichilominus in perpetuum successores et hæredes suos de propria conjuge, ut summo pontifici, qui pro tempore foret, et eidem ecclesiæ sine contradictione homagium recognoscere et fidelitatem præstare

[1] In schedis: 'Angliæ rex solvit ecclesiæ Romanæ debitum censum, etc.'

[2] Conspicitur.

deberent. Et ad indicium hujusmodi suæ perpetuæ obligationis et concessionis voluit et etiam stabilivit, quod de propriis et specialibus redditibus regnorum ipsorum pro omni servitio et consuetudine, quæ pro ipsis facere tenebatur, salvo per omnia denario beati Petri, ecclesia prædicta mille marcas sterlingorum, scilicet septingentas pro regno Angliæ et trecentas pro regno Yberniæ antedictis, recipiet et percipiet annuatim, videlicet in sancti Michaëlis quingentas et quingentas alias in pascha immediate sequenti festivitatibus, justitiis, libertatibus, et regalibus suis sibi et hæredibus reservatis, quæ omnia, ut præscripta sunt, rata voluit esse perpetuo atque firma, se et successores eosdem obligans non contra venire, et ad pleniorem expressionem sui in hac parte consensus pro censu unius anni mille marcas sterlingorum per manus prædicti legati ecclesiæ memoratæ persolvit, hoc insuper adjecto, quod si ipse vel aliquis successorum suorum contra præmissa venire præsumeret, nisi resipisceret monitus, a jure regni caderet eo ipso, prout indubie dicta Romana tenet ecclesia, et publica in illis partibus fama notoriat et cronicarum inspectio manifestat. Licet autem tam ipse quam successores ipsius censum hujusmodi eidem ecclesiæ solvisse ferant ex causa prædicta claræ memoriæ Eduardo rege Angliæ, qui aliquanto tempore, et carissimo filio nostro Eduardo, ejus primogenito ac in regno successore, prædictis, qui a tempore suscepti regni usque ad præsentem annum, pro quo ipsi ecclesiæ satisfecit, et se per nuntios speciales satisfacturum promisit de arreyragiis certo modo, in solutione census hujusmodi propter incumbentia eis onera varia cessaverunt, dumtaxat exceptis. Nonnulli tamen ex eisdem successoribus, regibus Angliæ et Yberniæ, et specialiter dicti pater et filius, quæ præscripta sunt de homagio et fidelitate complere et facere, omiserunt, quanto se propterea subjecerint discrimini non attento. Cum igitur vos ad regnum Angliæ pro certis arduis nostri et ecclesiæ Romanæ negociis præsentialiter destinemus, nos nostra et ipsius ecclesiæ, sponsæ nostræ, jura illibata in hac parte servari volentes, discretioni vestræ, de qua in hiis et aliis plenam in Domino fiduciam gerimus, auctoritate præsentium, committimus et mandamus, quatinus eidem regi superstiti secundum datam a Deo vobis prudentiam explicantes, quantum honori suo congruit, quantum suis expedit commodis et saluti progenitorum suorum imitanda sequi vestigia et ab eorum non declinare semitis, in hiis præsertim, quæ per eos Deo et ecclesiæ sanctæ suæ pia largitione concessa fuerint, et quorum practicatio divinam sibi gratiam poterit impetrare, et facilius benevolentiam sanctæ matris ecclesiæ et apostolicæ sedis erga ipsum et posteritatem suam inconcusse servare, quod absit, ab illorum

videatur degenerare virtutibus, quibus in tanta prosapiæ claritate succedit, necnon ostendentes eidem, quod ex defectu observationis debitæ promissorum illi non leviter displicebit, per quem datur regnare principibus, qui in incumbentibus sibi negociis dare potest prosperum exitum, vel adversum sedem offendet eandem, de cujus auxilio, consilio, et favore potest in opportunitate sperare, efficaciter suadeatis eidem, ipsumque ex parte nostra, prout expediens vobis esse videbitur, efficaciter requiratis, quod suæ in hiis conscientiæ consulens, suæ utilitati prospiciens, divinam indignationem evitans, et discriminibus, quæ sibi et posteris horum omissio comminatur, prudenter occurrens, præmissa omnia sine difficultate perficiat et attendat, fidelitatem et homagium pro regnis prædictis vobis vel vestrum alteri, nostro et ecclesiæ prædictæ nomine, liberaliter præstiturus.

2.[1]

§ 718. *Scribit Cantuariensi episcopo ut magistrum Rigandum de Asserio dirigat iuxta recuperationem denarii et iuxta alia negotia.*

Venerabili fratri Waltero, Cantuariensi archiepiscopo.[2]

Conceperat, frater, de tua et aliorum Angliæ prælatorum ad nos et Romanam ecclesiam, matrem vestram, devotione consideratio nostra fiduciam, et illam nobis promittebas in tua et illorum fraterna sinceritate acquiescente, ut crederemus verisimiliter et fiducialiter speraremus, quod tu et illi, tamquam membra nobilia ejusdem ecclesiæ, ipsius zelaretis honorem et commodum, et nedum in suorum exhibitione jurium, quantum inde tangimini, vos promptos et faciles præberetis, quin etiam vos exhiberetis benevolos atque propitios ad retinendum et recuperandum omnia et singula, quæ ad nos et ecclesiam ipsam in partibus illis pertinere noscuntur, nostris assistendo circa id efficaciter nuntiis auxiliis, favoribus, et consiliis opportunis ; et ideo coram nobis non levis admirationis inducit, quod tu suffraganeique tui in provinciali concilio, apud Londonias celebrato, novissime congregati, dilecto filio magistro Rigando de Asserio, cantori Aurelianensi, capellano et nuntio nostro, quem ad partes illas pro exigendo beati Petri denario et aliis nostris et ecclesiæ prædictæ negociis inhibi peragendis duximus destinandum, circa ipsius solutionem denarii nichil Deo et nobis acceptabile, nichil eidem ecclesiæ utile, etiam post deliberationem exactam, respondere curastis.

[1] In schedis : ' Denarius beati Petri in Anglia colligendus.'

[2] Letter of the same tenor to the bishop of Norwich, § 720, and to the bishops of Ely and Winchester, § 721.

Immo in cujusdam excusationis argumenti diffugium, quasi Dei et ipsius ecclesiæ reverentiam abjeceritis, et plus hominibus, quam illi et nobis placere velitis, laicos in negotio immiscuistis hujusmodi inverecunde, quod moleste referimus ; præsumentes adjicere, quod sine illis non audebatis responsum plenius inde dare. Numquam ergo admiratione dignum est, quod sic in præmissis egeritis, quod in minimis, videlicet in ipsius solutione denarii, tanta prætenderetis indevotionis indicia, ut vix de vobis sperare possimus in magnis ; profecto, frater, si tu et dicti suffraganei veri fratres existitis, si fideles estis matris ecclesiæ filii, si ipsius ecclesiæ capiti, Christo videlicet, cupitis, ut condecet, complacere, accendet vos amor divinus pariter et maternus, ut nedum circa solutionem ipsius denarii nobis et ecclesiæ debite faciendam, quin circa tuitionem et recuperationem nostrorum jurium aliorum, nullo vos in veritatem opem et operam impendatis ; et quo modo salva fidelitate, qua nobis et ecclesiæ prædictæ tenemini, possitis aut debeatis aliter agere, nulla possimus ratione videre. Quocirca fraternitatem tuam monemus, rogamus, et oramus attente, tibi nichilominus per apostolica scripta mandantes, quatinus quantum in te fuerit, dicto nuntio nostro circa exactionem ipsius denarii et aliorum etiam, quæ illic nobis et ecclesiæ præfatæ debentur, eum favorem cures impendere eumque per suffraganeos tuos sollerter procures impendi, quod ipse tuo et illorum directo auxilio consilioque suffultus, jus nostrum circa illa integre consequatur, tuaque perinde ac suffraganeorum ipsorum ad nos et ecclesiam sæpefatam devotio clareat, quæ tibi et ipsis apud nos et apostolicam sedem uberioris favoris augmentum acquirat.

Datum, xiii. Kal. Augusti anno II.

3.

§ 719. *Super eadem scribit archiepiscopo Eboracensi.*

Venerabili fratri Guillelmo, Eboracensi archiepiscopo.

De tua, frater, tuorumque suffraganeorum ad nos et Romanam ecclesiam devotione laudabili probabili conjectura confidimus, quod tu et illi, tamquam membra nobilia ejusdem ecclesiæ, ipsius zeletis honorem et commodum, et nedum in suorum exhibitione jurium, quantum inde tangimini, vos promptos et faciles præbeatis, quin etiam vos exhibeatis benevolos atque propitios ad retinenda et recuperanda omnia et singula, quæ ad nos et ecclesiam ipsam in partibus illis pertinere noscuntur, nostris assistendo circa id efficaciter nuntiis auxiliis, favoribus, et consiliis opportunis. Et ideo tibi super

hiis cum magna fiducia scribimus, præsertim cum hoc ad gratitudinem et fidelitatem, qua ipsi teneris ecclesiæ, tuamque salutem, ad quam afficimur, evidenter pertinere noscatur; tuam itaque fraternitatem monendam, rogandam duximus et hortandam, tibi nichilo minus per apostolica scripta mandantes, quatinus, quantum in te fuerit, dilecto filio magistro Rigando de Asserio, cantori Aurelianensi, capellano et nuntio nostro, quem ad partes illas pro exigendo beati Petri denario et aliis nostris et ecclesiæ prædictæ negotiis inhibi peragendis duximus destinandum, circa exactionem ipsius denarii et aliorum etiam, quæ illic nobis et ecclesiæ præfatæ debentur, etc., ut in proximo.

Datum ut supra.

4.

Registr. No. III.

EPISTOLÆ SECRETÆ JOHANNIS XXII., tom. iii. anno VII.

§ 965.[1] *Dilecto filio magistro Hugoni de Engolisina, sacrosanctæ ecclesiæ Narbonensis, apostolicæ sedis nuncio.*[2]

Dudum producto ad nostri apostolatus auditum, quod licet denarius beati Petri per eos, qui illum pro tempore collegerant in regno Angliæ, adhuc colligeretur ibidem, minus tamen plene nobis et ecclesiæ Romanæ illius exhibebatur solutio per eosdem, quodque quamvis nonnulli Romani pontifices, prædecessores nostri, venerabilibus fratribus nostris, archiepiscopis, episcopis necnon, et dilectis filiis, electis abbatibus, prioribus, decanis, præpositis, archidiaconis, officialibus et rectoribus, archipresbyteris, plebanis, et aliis ecclesiarum prælatis per dictum regnum Angliæ constitutis, suis litteris injunxissent, ut hujusmodi collectam et non solutam pecuniam diversis nuntiis apostolicæ sedis in regno Angliæ supradicto solvere procurarent, ipsis tamen nonnullas excusationes prætendentibus et appellantibus a processibus super hoc habitis, per nuntios antedictos nondum eidem ecclesiæ pervenerat condigna satisfactio de præmissis; nos eisdem archiepiscopis et episcopis, electis abbatibus, prioribus, decanis, præpositis, archidiaconis, officialibus et rectoribus, archipresbyteris, plebanis, et aliis ecclesiarum prælatis per alias nostras sub certa forma litteras dedisse meminimus in mandatis, ut pecuniam ex denario ipso collectam et nondum solutam bonæ memoriæ Rigando, episcopo Wintoniensi, tunc canonico Aurelianensi, apostolicæ sedis nuntio, vel certo nuntio ipsius, ejusdem ecclesiæ nomine, assignare

[1] In schedis: 'Denarius beati Petri in Anglia collectus.'

[2] This superscription in red.

fideliter et integre procurarent. Cum igitur nos postmodum de præfato Rigando, Wintoniensi ecclesia tunc vacante, auctoritate apostolica duxerimus providendum, ipseque diversis negotiis, regimen ejusdem ecclesiæ contingentibus, multipliciter occupatus, et tandem—sic Domino placuit—morte præventus, vacare non potuerit commode circa collectionem et exactionem denarii supradicti, nos de tuæ circumspectionis industria et fidelitate probata plenam in Domino fiduciam obtinentes, te dicto Rigando super præmissis subrogantes, auctoritate prædicta duximus deputandum, quocirca discretioni tuæ per apostolica scripta mandamus, quatinus archiepiscopos et prælatos ex parte nostra moneas et inducas, ut contenta in eisdem litteris studeant adimplere; alioquin per te vel alium seu alios, secundum quod utilius et melius videris expedire, dictum denarium cum integritate colligere et recipere non postponas; contradictores et rebelles per censuram ecclesiasticam, appellatione postposita, compescendo, invocato ad hoc, si opus fuerit, auxilio brachii secularis. Ceterum volumus et apostolica auctoritate decernimus, quod a data præsentium in præmissis omnibus et singulis sic tibi plena et perpetua potestas et jurisdictio attributa, ut in eo vigore illa, qua firmitate possis, apostolicæ sedis auctoritate in prædictis omnibus et pro prædictis, etiam apostolica sede vacante, procedere ac si tua jurisdictio in prædictis omnibus et singulis per citationem vel modum alium perpetuo legitimum extitisset, nobis, quidquid in prædictis inveneris, feceris, et receperis ab eisdem, plenarie rescripturus.

Datum Avinion. iiii. Kal. Augusti, anno VII.

XI.

Registr. No. 143.

Rationes Cameræ Benedicti XII[1].

Introitus et exitus cameræ apostolicæ anno 1334.

Fol. 16. *De receptis pecuniis a collectore Angliæ anno de nativitate Domini M°CCC°XXX°IIII°.*

Anno prædicto die xvii. mensis Junii dominus Icherius de Concoreto, canonicus Salisburiensis, apostolicæ sedis nuntius in partibus Angliæ deputatus, de pecuniis per ipsum receptis in partibus Angliæ, Iberniæ, et Walliæ tam de fructibus beneficiorum vacantium, reservatis per dominum nostrum, quam de decimis ibidem per ipsum dominum nostrum impositis, quam de censu annuo et denario beati Petri, quam de legatis terræ sanctæ; et per ipsum nuntium depositis

die xxviii. Marcii proxime præteriti penes Paulum Bartholomæi, mercatorem societatis Bardorum, usque ad quantitatem mcxxxi libr. xviii sol. vi den. sterlingorum argenti. Et penes Stephanum Hugonis de societate Provinciorum ad quantitatem mix^{c} libr. sterlingorum. Et penes dominos Forceti et Alexandri de Bardis, de societate Bardorum, die xxx. dicti mensis Marcii ad quantitatem ii^{m}viii^{c} libr. sterlingorum. Et penes Acceritum Manexii de Parmarum, de societate Bonaccursorum de Florentia, die prima mensis Aprilis proxime præteriti ad quantitatem duorum millium marcarum sterlingorum argenti assignavit cameræ domini nostri papæ dictas summas sterlingorum in xlv^{m}v^{c}lxx flor. auri. ii den. sterling. argenti, singulis florenis pro tribus solidis ii den. sterling. computatis; videlicet: per manus Francisci Marchi et Angeli Grammar' de dicta societate Azaiolorum, vii^{m}cxlix flor. auri, et per manus Francisci Botisovii de dicta societate Provinciorum xii^{m} flor. Et per manus Gerardi Bonesegue de dicta societate Bardorum xviii^{m} flor. Et per manus Matthæi Villani de dicta societate Bonaccursorum viii^{m}iiii^{c}xxi flor. ii den. sterling. argenti.

Summa receptorum de Anglia:
xlv^{m}v^{c}lxx flor. auri, ii den. sterl. argenti.

XII.

LEONIS X[1] LITTERÆ SECRETÆ, tom. iv. fol. 87.[1]

Leo X^{us} . . . dilecto filio Hadriano, tit. sancti Crisogoni presbytero cardinali Bathoniensi . . . salutem. Exigit tuorum erga Romanam ecclesiam magnitudo meritorum, ut illam tibi reperias in rehabilitione gratiæ munificam et in tuis opportunitatibus liberalem. Cum . . . itaque in regno Angliæ nonnulli debitores fructuum, reddituum, et proventuum, cameræ apostolicæ debitorum, existant; et cameræ præfatæ certas responsiones, pensiones, et census annuos, summam mille ducentorum septuaginta quinque ducat. auri dictæ cameræ vel circa annuatim non excedentem, solvere teneantur; nos, attendentes indefessos labores et magnos sumptus, quos pro sede apostolica in arduis negotiis pertulisti; ac cupientes tibi, qui curam collectoriæ fructuum, reddituum, et proventuum nunc geris, ut statum tuum super cardinalatus decentius tenere valeas, de alienæ subventionis auxilio non pendere, motu proprio, non ad tuam vel alterius per te nobis

[1] Superscription (viz. in MS. Vat. 9022, fol. 30): 'Denarius sancti Petri in Anglia donatur.'

super hoc oblatæ petitionis instantiam, sed de nostra mera deliberatione et ex certa scientia omnes et singulas responsiones, pensiones, et census sive denarios beati Petri vel aliter quomodo nuncupatos, nobis et eidem cameræ in dicto regno debitos et impositos, exigendos, quamdiu dilectus filius Andreas Ammonius, in eodem regno fructuum, reddituum, et proventuum prædictorum collector, per te deputatus, in hujusmodi collectoriæ officio fuerit, per auctoritatem apostolicam tenore præsentium tibi liberaliter donamus, concedimus, et elargimur, ac tibi responsiones, pensiones, et census hujusmodi recipiendi et de receptis quietandi, necnon in tuos usus et utilitates libere et licite convertendi plenam et liberam e tenore præcedentis facultatem, potestatem, et auctoritatem concedimus, mandantes benevolo fratri Raphaeli episcopo Ostiensi, camerario nostro, ac dilectis filiis, thesaurario et præsidenti cameræ prædictæ, quatenus dictam nostram donationem et concessionem ac quietantiam et de dictis fructibus, redditibus, et proventibus cameræ præfatæ debitis, et per te ita receptis, libere admittant; sicut nos harum serie admittimus; non obstantibus quibusvis constitutionibus et ordinationibus apostolicis ac officii collectoriæ et cameræ prædictarum juramento confirmatione apostolica vel quovis alio modo firmatis aut roboratis, statutis et constitutionibus ceterisque contrariis quibusvisque. Volumus autem, quod postquam dictus Andreas collector esse destiterit, a die, quo collector esse cessaverit et alium collectorem vel subcollectorem deputaveris, circumspectio tua de dictis responsionibus, pensionibus, et constitutionibus cameræ prædictæ ut primo respondere teneatur. Nulli ergo contra nostræ donationis, concessionis, elargitionis, indulti, mandati et voluntatis . . . etc. Si quis . . . . etc.

Datum Romæ anno incarnationis dominicæ millesimo quingentesimo quintodecimo, quarta die mensis Junii, Pontificatus nostri anno tertio.

D. de Comitibus.

Leonis X^i. Litteræ Secretæ, tom. iv. fol. 1196 etc.

Leo X. . . . cardinali fratri Silvestro, episcopo Vigorniensi, in regno Angliæ fructuum, proventuum, et aliorum jurium cameræ apostolicæ debitorum collectori, salutem. . . . Devotionis tuæ probata sinceritas, quam ad nos et ad apostolicam sedem habere demonstraveris, promeretur, ut personam tuam sinceris affectibus prosequentes illa tibi favorabiliter concedamus, quæ tuis commoditatibus fore conspicimus opportuna.

Dudum siquidem motu proprio et ex certa scientia omnes et singulas responsiones, pensiones, et census sive denarios beati Petri

vel aliter quomodo nuncupatos, nobis et cameræ apostolicæ in regno Angliæ debitos, dilecto filio nostro Adriano, tituli sancti Crysogoni, presbytero cardinali, quamdiu quondam Andreas Ammonius in dicto regno fructuum et proventuum cameræ hujusmodi collector, per ipsum Adrianum cardinalem, deputatus in hujusmodi collectoriæ officio foret, per alias nostras litteras donavimus, concessimus, et largiti fuimus, prout in illis . . . plurius continetur. Cum autem dictus Andreas, qui extra Romanam curiam diem clausit (?), extremus collector esse desierit, ipsæque responsiones, pensiones, census sive denarii beati Petri juxta voluntatem nostram . . . ad eandem cameram rediverint (?); nos, attendentes continuos labores, quos pro nobis et sede prædicta in arduis negotiis nostris pertulisti ac perferre paratus exstitis, ac cupientes tibi, cui hoc officium collectoriæ fructuum et proventuum, in dicto regno eidem cameræ debitorum, tunc certo modo vacans, per alias nostras litteras concessimus, ut statum tuum juxta pontificalis [sic] dignitatem decentius tenere valeas de alterius subventionis auxilio pendere, motu proprio, non ad tuam vel alterius pro te nobis super hoc oblatæ petitionis instantiam, sed de nostra mera deliberatione et ex certa nostra scientia, omnes et singulas responsiones, pensiones, et census sive denarios beati Petri vel alios quomodo nuncupatos nobis et eidem cameræ in dicto regno debitos, ut præfertur (?) . . . auctoritate apostolica tenore præsentium tibi liberaliter donamus, concedimus, et elargimur, ac tibi responsiones, pensiones, et census hujusmodi recipiendi et de receptis quietandi, necnon in tuos usus et utilitatem libere et licite convertendi plenam et liberam auctoritatem ex tenore præcedentis facultatem, potestatem, et auctoritatem concedimus, mandantes nichilominus cardinali, fratri Raphaeli, episcopo Ostiensi, camerario nostro, ac dilectis filiis, thesaurario et clericis præsidentibus cameræ prædictæ, quatenus dictam nostram donationem et concessionem ac quietationem et de dictis fructibus et proventibus, eidem cameræ debitis, et per te ita pro tempore receptis libere admittant, prout nos harum serie admittimus, non obstantibus quibusvis constitutionibus et ordinationibus apostolicis ac officii collectoriæ et cameræ prædictarum juramento, confirmatione apostolica vel quovis alio modo firmatis aut roboratis, statutis et constitutionibus ceterisque contrariis quibusvis. Nulli ergo contra nostræ donationis, elargitionis, concessionis, mandati et admissionis . . . etc. Si quis . . . etc.

Datum Romæ apud sanctum Petrum anno incarnationis dominicæ millesimo quingentesimo decimoseptimo, quarto die mensis Septembris, Pontificatus nostri anno quinto.

JOH. DE BINIS.

POLYDORE VERGIL IN THE ENGLISH LAW COURTS

COMMUNICATED BY I. S. LEADAM, M.A., F.S.A.

TWO documents disclosing an incident in the life of the celebrated historian Polydore Vergil, which have hitherto escaped the research of biographers, are to be found in the Memoranda Roll of the King's Remembrancer of the Exchequer, Trinity term, 19 Henry VII., membrane xv and ibidem dorso (A.D. 1504). Of these the first refers to an illegal exchange negotiated on October 19, 1503, with a merchant of Florence; the second to an illegal exchange negotiated on March 8, 1504, with a merchant of Genoa. In both cases an information is laid against Polydore Vergil as defendant.

Polydore Vergil, also called, as in these documents, De Castello, upon whose history an interesting paper was read by Dr. Gasquet, and is published in the Society's Transactions for 1902, was related to Adrian de Castello, at this time bishop of Hereford and collector of Peter's Pence in England, but actually resident at Rome as ambassador of Henry VII. To the bishop he probably owed his appointment as sub-collector of Peter's Pence in England, the subject of a learned paper by Dr. Jansen in the Transactions for 1901, which is to be continued in the forthcoming number. To discharge this office, as he tells us, he had come over in 1501 or in the early part of 1502. At the date at which these cases came before the Court of Exchequer he was already beneficed here, having been presented to the rectory of Church Langton,

Leicestershire, on November 6, 1502; but he must almost necessarily have been a non-resident, though it was not until 1505 that at the instance of Henry VII., with whom he was on intimate terms, he began his history.

To understand the cases in the Exchequer it is necessary to recall the laws at this time affecting exchange. Bills of exchange were no new inventions. They have been traced back to the twelfth century. They were largely used for transmitting revenues to prelates and Popes and for maintaining students at foreign universities. Rome was the European centre, and it is natural that the earliest professional exchangers should have been Italians. There being a felt or an apprehended scarcity of the precious metals in this country, it early became a care of the Government to prevent the export of bullion or coin. The theory of 'specie point' had probably not been formulated, but experience showed that there were times when, unless restrained, exportation of the precious metals took place. To check this a 'King's Exchanger' was early appointed. In 1381 a statute was passed to regulate exchange.[1] The statute of 1381 deplores the scarcity of the precious metals. It has been suggested that the decline of the Florentine exports of wool from England had really led to the specie point having been reached—that is, to the export of coin or bullion. The Act states the fact of export in its preamble. 'Item, for the great mischief which the realm suffereth and long hath done, for that gold and silver, as well in money, vessel, plate, and jewels, is carried out of the realm, so that in effect there is none hereof left, which thing, if it should longer be suffered, would shortly be the destruction of the same realm, which God prohibit.' The precious metals were to be carried out 'neither by exchanges to be made, nor in other manner.' To insure this, exchanges were not to be made by merchants without licence, and 'the merchants that so shall make exchanges shall be diligently examined and sworn in their proper persons, as often as they shall have the said licence, that they shall not send beyond

[1] 5 R. II. st. 1, c. 2.

the sea any manner of gold or silver under the colour of the said exchange.'

Besides the payments of Peter's Pence there were other sums, representing Papal dues, transmitted from England to Rome by bills of exchange. The 'Pope's merchants,' as they were called, sold tithes and other dues paid in kind, and by this means paid the yield into the Papal treasury. Against these bills of exchange wool was exported. A considerable proportion of exchange business must have consisted of these transactions. It is not surprising, therefore, that if, as may be inferred, the depletion of the precious metals continued, the Act of 1381 notwithstanding, the Government should turn its special attention to them. By a statute of 1390[1] it was provided 'That for every exchange that shall be made by merchants to the Court of Rome, or elsewhere, that the said merchants be firmly and surely bound in the Chancery to buy within three months after the said exchange be made, merchandises of the staple, as wools, leather, woolfels, lead or tin, butter or cheese, cloths or other commodities of the land to the value of the sum so exchanged, upon pain of forfeiture.' It was soon found that the time prescribed was too short. When our export trade languished, bills on Rome were scarce. A collector, agent, or merchant in England would have to decide between risking his credit with his foreign correspondent or the forfeiture which would be the consequence of detection in evasion of the Act of 1390. In days when the coastguard service was probably ineffective, when vessels, even for the Mediterranean, were of small tonnage, which could find anchorage in numberless convenient creeks, it might well be worth while to run the risk of smuggling coin abroad. At any rate the merchants in 1421 represented to Parliament that three months was too short a time within which to find exports against foreign bills, that in effect it put a premium on smuggling money, and, as a consequence, injured the export trade. The term was, accordingly extended from three to nine months, within which

[1] 14 R. II. c. 2.

drawers of foreign bills should provide exports to set against them. In 1423[1] and 1478[2] there were statutes specially directed against the exportation of the precious metals, indicative that the inconvenience was still felt. The scarcity was not peculiar to England, but with that we need not concern ourselves.

Trade, as usual, defied statutory restraints. The careful prescriptions with which Parliament had hedged round the business of exchange became, with the progress of commerce, obsolescent. An Act, which by its denunciations of usury betrays the hand of Archbishop Morton, was passed in 1487.[3] It is intituled 'An Acte agaynst Exchaunge and Rechaunge without the Kynges Lycence.' Its preamble laments that 'ther hath growen and daily groweth grete displesur of God and greate hurte of the Kyng our Sovereyn lorde and to this his realm by and for thenordynat chaunges and rechaunges that have ben of long tyme used and yet contynued in this seid Realme, without auctorite gevon of the Kynges gode grace to such chaungyng and rechanging.' After reciting the statutes already mentioned, it enacts 'That all such statutes be putte in due execucion from hensforth, and that no man make any exchaunge without the Kynges licence, ne make any exchaunge nor rechaunge of money to be paide within this land, but only such as the Kyng shall depute therunto to kepe make and answere such exchaunges and rechaunges.'

At the time, then, at which Polydore Vergil was summoned before the Court of Exchequer, the state of the law may be summarised as follows. All exchanges were to be transacted by the authorised exchanger, or with a licence from him. By 25 E. III. st. 5, c. 12, no man might keep a common exchange.

There was in London, as at Dover and Calais, an official called the King's Exchanger. This office was farmed. And as the Act of 1381 required merchants to have a licence to negotiate exchange, the right to issue letters importing

[1] 2 H. VI. c. 6. [2] 17 E. IV. c. 1. [3] 3 H. VII. c. 6.

licences was conferred on the grantee.[1] An example of this is to be found in Campbell's Materials for the reign of Henry VII., dated November 10, 1485. It is a 'Grant to the King's beloved councillor and secretary, Richard Fox, of the office of Keeper of the Exchange within the town of Calais and within the realm of England towards foreign parts: that is to say, that he or his deputies or assigns be empowered to issue letters of exchange to any person of any condition whatsoever who may piously wish to fulfil devout vows or other matters for the benefit of their souls in the city of Rome or elsewhere, or any other private matters, in person or by deputy, and who may wish to send out such sums of gold and silver as may be necessary for carrying out their objects; taking for such letters of exchange whatever may be reasonably agreed upon between him and the persons to whom he shall issue such letters of exchange and all dues to the Crown thereupon.' The tenure of the office was limited to ten years, and the grantee paid to the Crown yearly for the privilege £30 6*s.* 8*d.* It may be taken that nineteen years later the Keeper of the Exchange held on much the same terms.

Of the licences so issued a bundle of about a hundred and forty may be found in the Record Office.[2] The earliest of them is dated 12 Nov., 1 H. VII. (1485); the latest 20 Nov. 4 H. VII. (1488). The following is a specimen.

'Henricus Dei gratia Rex Anglie & Francie & dominus Hibernie Alexandro de Ferentuno de societate Albertinorum in civitate nostra Londonie commoranti, Salutem. Ut quandam literam cambii sociis tuis in partibus exteris commorantibus de sex marcis, Johanni Smyth capellano in partibus illis solvendis, licitè facere valeas, licenciam tibi tenore presentium duximus concedendum. Dum tamen aurum vel argentum in massa vel moneta colore presentis licencie nostre non transmittas aut transmitti facias quovis modo sub forisfactura eorundem. Per me ipsum apud Westmonasterium xxii die Novembris anno regni nostri primo. Kays.'

[1] Cf. 3 H. VII. c. 6.

[2] K. R. Miscell. 393, T. G. 19,399.

'Henry by the grace of God King of England France and Lord of Ireland to Alexander de Ferentuno of the company of the Albertines dwelling in our city of London Greeting, That you may be lawfully able to make a Letter of Exchange to your partners dwelling in foreign parts of six marks in favour of John Smyth chaplain, payable in those parts, we have thought fit that a licence be granted you by tenour of these presents. Provided nevertheless that you do not transmit nor cause to be transmitted by colour of our present licence gold or silver in bullion or coin in any manner under forfeiture of the same. By myself at Westminster on the xxii day of November in the first year of our reign. Kays.'

This is an example of the 'special leave and licence had of the King' mentioned in the Act of 1381. It appears, however, from the terms of the concession to Richard Fox, that the farmer of the exchange could issue letters of exchange, which letters imported a licence, and were, presumably, in much the same terms as the above. Exchangers' accounts are to be found in the Record Office. I have seen those of Gerard Cavysan, John de Barde, Laurence Strosse, Dominic de Mato, Leonard Bonenseigne, John de Friscobalde, Charles Giles, and Bartholomew Sciates, who appear to have farmed the exchange in partnership in the second and third years of the reign of Edward IV. They are styled 'occupiers and approvers of the exchange within the realm of England towards foreign parts (occupatorum et appruatorum cambii infra regnum Angliae versus partes exteras).'[1] It will be sufficient for the purpose of throwing a light on the transaction alleged against Polydore Vergil to record one entry of their account. It runs as follows:

'De Dornusio Oleyn decimo die Marcii anno secundo Regis nunc pro cambio cxxxvii ducatuum pro transitu suo versus partes exteras, precium cujuslibet ducatus iiis. iiiid. sterling percipientes pro cambio cujuslibet ducatus id. sterling prout dicunt super sacramentum suum . . . . . xis. vd.'

This, which is an exchange of coins, gives the valuation

[1] R. O. K. R. Exch. 597/1.

of the ducat in 1462 as 3*s.* 4*d.*, and shows the discount to have been 2½ per cent. Ducats called 'large ducats of gold' were officially valued in 1522 at 4*s.* 6*d.*[1] The ducat was rapidly appreciating in terms of silver. It was fixed by proclamation made in London on July 6, 1525, under the name of 'ducat' simpliciter, at 4*s.* 6*d.*[2] On Sept. 7, 1526, 'the large single ducat' was proclaimed at 4*s.* 8*d.*[3] In the course of negotiations conducted at Antwerp by Wolsey's agent, John Hacket, in November, 1526, for the transmission through German merchants of 25,000 ducats from Henry VIII. to the King of Hungary,[4] it is mentioned that the Germans would not take less than 5*s.* for the ducats, but as a transaction of this magnitude would naturally operate unfavourably upon exchange, sending up bills on Germany to a premium, it cannot be relied on in this investigation. It is, however, said by Hacket incidentally, 'a ducat of such gold as they (the German merchants) would be bound to pay would be worth 4*s.* 10*d.* in the mint,' *i.e.* presumably in the English mint. These valuations of the gold ducat show that as compared with 1462, gold had appreciated in terms of silver, 35 per cent. in 1522 and 45 per cent. in 1526. On the other hand, I find that Helferich [5] states (pp. 67, 68) that while by the new mint regulations of 1464 the value of gold coinage to silver was as 1 : 10·331, in 1527 it had risen indeed, but risen much less, being at 1 : 11·25, a rise of barely 10 per cent. The only solution I can suggest for these discrepancies is that, as discussions on bimetallism have shown, an official and a market ratio constantly co-exist. It must also be remembered that Henry VII. had accumulated enormous masses of the precious metals, presumably, for obvious reasons, for the most part in gold. At any rate, we may take it that in 1504, when Polydore Vergil effected these exchanges, the gold ducat was

[1] *S. P.* Dom. H. VIII. iii. 2283.
[2] *S. P.* Dom. H. VIII. iv. 1478, 2423, 2467.
[3] *Ibid.*
[4] *S. P.* Dom. H. VIII. iv. 2652, 2653, 2778.
[5] 'Von den periodischen Schwankungen im Werth der edeln Metalle von der Entdeckung Amerikas bis zum Jahr 1830.'

worth more than 3*s.* 4*d.* There had taken place, in modern parlance, a fall of the Italian exchange.

On June 13, 1504, James Hobart, the Attorney-General, laid an information against Polydore Vergil before the Barons of the Exchequer. The defendant, as we have seen, is styled 'Polydore of Castello, collector of the rents and profits of the Apostolic See issuing within the realm of England.' Its first count is that on Oct. 19, 19 Henry VII. (1503) he kept a common and open exchange in the parish of St. Gregory, in the ward of Baynardcastell, London. This was an offence against the Act of 1350 already mentioned. He then and there negotiated an exchange with one Aldobrandino Tanagli, merchant of Florence. He bought of Tanagli for the sum of £400 English money a bill of exchange of 1,700 gold ducats payable in Rome to Cardinal Adrian, bishop of Hereford, having no licence to do so. After a formal traverse of the allegations had been entered by the defendant, the case was postponed from term to term until November 3, 1509. Polydore then appeared and produced a pardon granted him by letters patent dated the previous May 20. This pardon, which is set out, relieves him from penalties for the violation of any of the statutes, with which the statute book then bristled, attaching pecuniary penalties to the infringement of them. Among these offences the pardon specifically mentions 'corrupt and unlawful changes and rechanges.' The pardon was retrospective to April 23, the second day after the death of Henry VII. He also produced a letter from the King to the Barons of the Exchequer reciting the pardon and enjoining them not to proceed further. The date of the letter is October 20. The case was thereupon dismissed.

The next case, on the dorse of the same membrane, is an information filed by Jerome Gentyll, merchant of Genoa, Warden of the Exchange and Rechange of the lord the King towards the parts beyond sea. It was laid on the same day, but it related to a subsequent transaction to that already mentioned. It alleged that on March 8, 19 H. VII. (1504), in the same place, presumably his house, Polydore had cashed a

bill of 2,000 gold ducats drawn in Rome upon England, paying the holder, one Gabriel de Adurno, merchant of Genoa, 450*l.* English money, without having a licence to do so. Polydore, as before, appeared by his attorney and entered formal traverses of the allegations. This case likewise was postponed term after term, the last entry of postponement on the roll being the Octave of St. Hilary, 21 Henry VII., *i.e.* January 1506.

That the collector of Papal revenue in this country should have ventured upon these transactions suggests either that the law regulating exchange, though the last statute was only seventeen years old, was generally in desuetude or that Polydore relied upon his favour at Court, probably the latter, since so prominent a person as the official remitter of large sums to Italy would otherwise be the natural mark of the informer.

Interest was at this time canonically forbidden, and the statute preceding the 'Acte agaynst Exchaunge and Rechaunge without the Kynges Lycence' was 'An Acte agaynst Usury and unlawfull bargaynes,' by which last the prohibition of interest was evaded.[1] But, under the name of compensation for risk and trouble, *i.e.* the risk and trouble supposed to be incurred in the transportation of imaginary sums of money from one country to another, the necessity for which bills of exchange were devised to obviate, charges were allowed upon these transactions. In the case of the remittance to the King of Hungary, already mentioned, we find that the German bankers charged 10 per cent.[2] If we may suppose that Tanagli charged Polydore Vergil as much for his bill upon Rome, then 400*l.* was worth 1,870 ducats, *i.e.* 1700 + 170, or 10 per cent. This estimate rests on the law of exchange that the price of bills or rate of exchange between two countries is fixed by the drawer. The ducat, therefore, at the time of the first of these transactions, was about 4*s.* 3*d.* The second transaction, on the assumption that 10 per cent. was charged at Rome, *i.e.* that 2,200 ducats were paid there, suggests that the silver price of the ducat had in the course of the interval of six months risen to

[1] 3 H. VII. c. 4.

[2] *S. P.* Dom. H. VIII. iv. 2492.

4*s.* 6*d.*, which has already been seen to have been in accordance with the march of events. This also approximately harmonises with a statement by Polydore in his History as to the 'par of exchange,' to use a modern phrase, of the ducat in England. 'Marchia apud Anglos valet tres nummos aureos quos vulgo ducatos vocant;'[1] that is, three ducats exchange for 13*s.* 4*d.*, which is at the rate of 4*s.* 5⅓*d.* per ducat. Unfortunately, there is no clue as to the particular year when this was written.

Membrane 15 *d.*

London'.
De dompno Polidoro sedis appostolice collectore allocuto ad respondendum Regi de quodam escambio nuper facto ac licencia domini Regis inde non optenta.

Memorandum quod Ieromi-nus Gentyll mercator de Ianua Custos Excambii et recambii domini Regis infra hoc regnum Anglie versus partes transmarinas

(A.D. 1504) venit coram Baronibus huius Scaccarii xiij° die Iunii hoc termino in propria persona sua Et sacramentum prestitit corporale Quod octauo

(A.D. 1504)] die Marcii anno regni dicti domini Regis nunc decimonono apud London' videlicet in parochia sancti Gregorii in warda de Baynard-castell London' quidam dompnus Polidorus Castellensis Collector reddituum et prouentuum sedi appostolice infra regnum Anglie prouenientium et spectantium soluit et deliberauit per viam recambii cuidam Gabrieli de Adurno mercatori de Ianua quadringentas et quinquaginta libras legalis monete Anglie pro quodam escambio duorum millium ducatorum aureorum perantea in Ciuitate Rome videlicet in Curia romana ibidem cum quodam Paulo Solii mercatore de Ianua apud Romam facto soluto et contento sine licencia dicti domini Regis ac contra formam diuersorum statutorum inde nuper editorum et presertim contra formam cuiusdam Statuti in parliamento dicti domini Regis nunc apud Westmonasterium ix° die Nouembris anno regni sui tercio tento inde editi et prouisi unde predictus Ierominus Gentill petit auisamentum Curie in premissis Super quo concordatum est quod mandetur predicto dompno Polidoro per breue Regis de sub pena sub Sigillo huius Scaccarii essendi hic etc. ad respondendum domino Regi in premissis Et hoc sub pena Centum librarum Et preceptum est ei in forma predicta Ita etc.

[1] *Anglice Historie*, ed. Basil., 1546, p. 309.

die veneris xxviii^{o} die Iunii isto eodem termino ad quem diem predictus dompnus Polidorus venit hic in propria persona sua Et tulit hic in Curia breue predictum Et petit auditum informacionis predicte et ei legitur Qua lecta et audita petit ex gracia Curie diem sibi dari citra quem etc. Quod ei per Curiam hic concessum est Et super hoc datus est dies hic prefato dompno Polidoro eodem statu quo nunc vsque a die sancti Iohannis Baptiste hoc termino in xv dies Ad quem diem predictus dompnus Polidorus venit hic per Iohannem Gardener attornatum suum Et dicit protestando quod informacio predicta minus sufficiens est in lege ad quam per legem terre non debet nec tenetur respondere pro placito tamen dicit quod nec ipse nec aliquis alius nomine suo soluit aut deliberauit per viam recambii predicto Gabrieli de Adurno mercatori de Ianua nec alicui alii dictas quadringentas et quinquaginta libras monete nec aliquam inde parcellam modo et forma prout per informacionem predictam supponitur. Et de hoc ponit se super patriam Et quia Curia vult deliberari in premissis antequam vlterius etc. Datus est dies hic prefato dompno Polidoro eodem statu quo nunc vsque a die sancti Michaelis in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas Sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Michaelis xx^{mo} Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas Sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Michaelis Ad quem diem predictus xxj^{mo} dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus [1]

[1] The case is unfinished on the Roll.

Exchequer K. R. Memoranda Roll. 19 *Henry VII., Trinity Term. Membrane* 15.

London'.

De dompno Polidoro sedis appostolice infra Angliam collectore allocuto ad respondendum Regi de quodam escambio nuper per ipsum facto licencia domini Regis inde non optenta etc.

Memorandum quod Iacobus Hobart attornatus domini Regis venit coram Baronibus huius Scaccarii xiii° die Iunii hoc termino in propria persona sua Et pro domino Rege dedit Curie hic intelligi Quod quidam dompnus Polidorus Castellensis Collector Reddituum et prouentuum sedis appostolice infra regnum Anglie prouenientum duodecimo die Octobris Anno regni (A.D. 1504) dicti domini Regis nunc xix° apud London' videlicet in parochia (A.D. 1503) sancti Gregorii in warda de Baynardcastell London' tenuit quoddam escambium commune et apertum et tunc et ibidem fecit quoddam escambium cum Aldobrandino Tanagli mercatore de Florencia de summa quadringentarum librarum monete Anglie dicto Aldobrandino tunc ibidem pre manibus deliberata pro MDCC ducatis aureis apud Romam in Curia romana mense Marcii extunc proximo sequente soluendis et contentandis per predictum Aldobrandinum venerabili patri domino Adriano Cardinali Herefordensi Episcopo contra leges domini Regis Anglie ac contra formam diuersorum statutorum in huiusmodi casu editorum et prouisorum ac licencia regia superinde non optenta vnde predictus Iacobus Hobart petit auisamentum Curie in premissis Super quo concordatum est quod mandetur predicto dompno Polidoro per breue Regis de subpena sub Sigillo huius Scaccarii essendi hic etc. ad respondendum domino Regi in premissis. Et hoc sub pena Centum librarum Et preceptum est ei in forma predicta Ita etc. die veneris xxviii° die Iunii isto eodem termino Ad quem diem predictus dompnus Polidorus venit hic in propria persona sua Et tulit hic in Curia breue predictum Et petit auditum informacionis predicte Et ei legitur Qua lecta et audita petit ex gracia Curie diem sibi dari citra quem etc. Quod ei per Curiam hic Concessum est Et super hoc datus est dies hic prefato dompno Polidoro eodem statu quo nunc vsque a die sancti Iohannis Baptiste hoc termino in xv dies. Ad quem diem predictus dompnus Polidorus venit hic per Iohannem Gardener Attornatum suum Et dicit protestando quod informacio predicta minus sufficiens est in lege ad quam per legem terre non debet nec tenetur respondere pro placito tamen dicit quod nec ipse nec aliquis alius nomine suo tenuit aliquod escambium nec quod ipse seu aliquis alius nomine suo fecit

aliquod escambium cum predicto Aldobrandino Tanagli mercatore de Florencia nec cum aliquo alio de predicta summa quadringentarum librarum monete anglie nec alicuius inde parcelle prout per informacionem predictam superius supponitur Et de hoc ponit se super patriam Et quia Curia vult deliberari in premissis antequam vlterius etc. Datus est dies hic prefato dompno Polidoro eodem statu quo nunc vsque a die sancti Michaelis in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Michaelis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta usque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Michaelis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Michaelis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex

xx°

xxj

xxij^{do}

xxiij^{clo}

causa predicta vsque in Octabas Sancte Trinitatis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti
xxiiij° Michaelis Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque in Octabas sancti Hillarii Ad quem diem predictus dompnus Polidorus venit hic per dictum attornatum suum Et habet diem vlterius ex causa predicta vsque a die Pasche in xv dies ante quem diem dictus dominus Rex obiit per quod loquela predicta remansit sine die Et dominus Henricus nunc Rex Anglie octauus filius et heres eiusdem nuper Regis iure hereditario successit in regimine regni Anglie Super quo concordatum est quod predictus dompnus Polidorus veniat hic de nouo ad respondendum domino Regi nunc in premissis. Et preceptum est vicecomiti London' quod ipsum dominum Polidorum venire faciat hic in forma predicta Ita etc. in Crastino sancti Iohannis Baptiste Ad quem diem vicecomes
(A.D. 1509) non retornat breue nec ipse venit Ideo preceptum est vicecomiti quod ipsum dominum venire faciat hic in forma predicta Ita etc. in Crastino Animarum Ad quem diem vicecomes non retornat tamen ad eundem diem predictus dominus Polidorus Castellensis venit hic per Nicholaum Mynne attornatum suum Et petit auditum informacionis predicte Et ei legitur etc. Qua lecta et audita dicit quod dictus dominus Rex nunc ipsum pro premissis vlterius impetere non debet Quia dicit quod dictus dominus Rex nunc Henricus octauus per literas suas patentes hic in Curia modo prolatas Quarum datum
(A.D. 1509) est apud Westmonasterium vicesimo die Maii anno regni sui primo de gracia sua speciali ac ex certa sciencia et mero motu suis inter alia pardonauit remisit et relaxauit prefato domino Polidoro per nomen Polidori Vergilii alias dicti Polidori Castellensis Archidiaconi Wellensis alias dicti Polidori Vergilii de Italia alias dicti Polidori Vergilii de London' seu quocunque alio nomine censebatur omnimodas forisfacturas concelamenta decepciones vsurias contractus vsurarios barganias coruptas cheuancias conuenciones coloraciones escambia reescambia corrupta et illicita mesprisiones contemptus impeticiones recepciones empciones mutaciones prestaciones factiones et vendiciones illicitas pannorum laneorum lineorum cericorum lanarum coriorum stannorum plumborum cinctuararum ribendorum cericorum operatorum et non operatorum granorum specierum auri argenti ac aliorum catallorum mercandisarum mercimoniorum et aliarum rerum quarumcumque ac deliberaciones eorundem ante vicesimum tercium diem Aprilis anno regni ipsius domini Regis nunc primo per ipsum Polidorum factas siue

perpetratas Et eciam idem dominus Rex pardonauit remisit et relaxauit prefato Polidoro omnes et omnimodas acciones sectas querelas impeticiones et demandas quas vel que idem dominus Rex habuit seu habere potuit versus eundem Polidorum pro premissis vel aliquo premissorum prout in literis patentibus predictis irrotulatur alibi in Memorandis huius Scaccarii, videlicet inter Recorda de termino sancti Michaelis Anno primo Regis Henrici octaui Rotulo quarto Ex parte huius Rememoratoris plenius continetur Et vnde predictus Polidorus detulit Curie hic quoddam breue domini Regis de magno sigillo suo Thesaurario et Baronibus huius Scaccarii directum Cuius quidem breuis Tenor sequitur in hec verba. Henricus Dei gracia Rex Anglie et Francie et Dominus Hibernie Thesaurario et Baronibus suis de Scaccario salutem Cum nos vicesimo die Maii vltimo preterito per literas nostras patentes de gracia nostra speciali pardonauerimus remiserimus et relaxauerimus Polidoro Vergilio alias dicto Polidoro Castellensi Archidiacono Wellensi, alias dicto Polidoro Vergilio de Italia alias dicto Polidoro Vergilio de London' seu quocumque alio nomine censeatur omnimodas forisfacturas concelamenta decepciones vsurias contractus vsurarios barganias corruptas cheuancias conuenciones coloraciones escambia reescambia corrupta et illicita mesprisiones contemptus impeticiones recepciones empciones mutaciones prestaciones factiones et vendiciones illicitas pannorum laneorum lineorum cericorum lanarum coriorum stannorum plumborum cincturarum ribendorum cericorum operatorum et non operatorum granorum specierum auri argenti ac aliorum catallorum mercandisarum mercimoniorum et aliarum rerum quarumcumque ac deliberaciones eorundem ante vicesimum tercium diem Aprilis anno regni nostri primo per ipsum Polidorum factas siue perpetratas Et eciam pardonauerimus remiserimus et relaxauerimus prefato Polidoro omnes et omnimodas acciones sectas querelas impeticiones et demandas quas vel que habuimus habuissemus seu habere potuimus versus eundem Polidorum pro premissis vel aliquo premissorum aut racione vel occasione premissorum vel eorum alicuius in dictis literis nostris patentibus contenti et specificati vsque predictum vicesimum tercium diem Aprilis prout in dictis literis nostris inter alia plenius continetur Vobis mandamus quod ipsum Polidorum contra tenorem literarum nostrarum predictarum non molestetis in aliquo seu grauetis teste me ipso apud Westmonasterium xx die Octobris Anno regni nostri primo Que omnia et singula predictus Polidorus Castellensis paratus est verificare prout Curia etc. vnde petit iudicium Et quod ipse quo ad premissa ab hac Curia dimittatur etc. Super quo visis premissis per Barones (A.D. 1509)

habitaque inde matura deliberacione inter eosdem Barones Consideratum est quod predictus Polidorus Castellensis de premissis erga dominum Regem exoneretur et quiete existat et quod inde eat sine die pretextu premissorum Salua semper auctoritate Regis si alias etc.

THE CASE OF DR. CROME

COMMUNICATED BY R. H. BRODIE, JOINT EDITOR OF THE 'CALENDAR OF LETTERS AND PAPERS, HENRY VIII.'

THE summer of 1540 in England witnessed an event which proved a turning-point in the history of the country. The fall of Thomas Cromwell Earl of Essex was the outcome of a long struggle between Gardiner and Cromwell, the two servants of Cardinal Wolsey who after their master's death led rival factions in the Council. As one result of the crisis a reconciliation with Rome was expected by foreign observers, a step that would have left the Emperor and the French King free to form independent alliances with England. At home those who dared not contemplate such a reconciliation could at least prevent the further spread of new doctrines by enforcing the doctrine of the Six Articles. But all who welcomed Cromwell's fall as the signal for a religious revolution were soon to realise that there was a king in England who would be head both of State and Church.

The characteristic policy of Henry VIII. towards the two religious parties at this date is well illustrated by a certain incident which forms the subject of the present communication.

There is preserved at Zurich a letter written about the end of February 1541, by one Richard Hilles, which Bishop Burnet describes as 'writ with much good sense and piety, but in very bad Latin.'[1]

[1] Translated for the Parker Society (Cambridge, 1846. Original Letters, No. cv.).

After describing Cromwell's death and the General Pardon and other Acts passed in July 1540, the writer proceeds:

'A little before the aforesaid pardon was granted, very many persons, especially the preachers of the Gospel, were imprisoned in every part of England; and at London four or five of the principal of them. They made search too after Doctor Crome, a man of great gravity and wisdom (who, together with Latimer, was the first who in our time sowed the pure doctrine of the Gospel); he, when he heard from a certain Nicodemean individual that he was denounced, went privately to the palace, and, falling on his knees before the King, . . . prayed him for God's sake to put a stop to these severities, and of his wisdom and godliness to apply a remedy. The King forthwith gave order that no further persecution should take place on account of religion, and that those who were then in prison should be put at liberty, upon their friends giving security for their appearance whenever they should be called for.'

The writer, after suggesting that this exhibition of clemency was meant to make the people more willing to contribute to the recent subsidy, proceeds to describe the execution of Abell, Powell, and Fetherston, as well as that of Barnes, Gerrard, and Jerome shortly after the dissolution of Parliament. Then he writes:

'And now I am about to say somewhat of that learned and godly man Doctor Crome. At this time (as had always been his practice whenever any storm arose that seemed to do injury to the truth), feeling the necessity of the case, he preached with more zeal than ordinary until the approach of Christmas. And on that day those who were his enemies on account of the Gospel brought together against him some articles which they alleged to be heretical. Meanwhile the clergy set up their champion Wilson to oppose the purer doctrine of Crome, and to affirm the falsehood of whatever truths he had preached.' The writer then describes how this, as the clergy intended, raised such a controversy that

both preachers were cited before the King, and nearly thirty passages out of Crome's sermons produced against him as heretical, such as that works cannot justify; that no truth is necessary to be believed unless revealed in Scripture; that masses for the dead are contrary to Scripture, this being evidently the King's belief when he destroyed the monasteries; that prayers to saints are unnecessary; and that the reforming preachers were not seditious, nor would there be any disagreement if the other side would give up preaching their 'dreams, falsehoods, human traditions, and puerilities.' To this accusation, we are told, Crome had signed an answer, maintaining that his opinions were orthodox; whereupon he was served with a paper headed 'The Judgment of the King respecting Dr. Crome, on the 18th January, in the year of Our Lord 1540,' being ordered to comply therewith in all respects. This 'Judgment' enjoined upon Dr. Crome to preach on a certain day in Lent at St. Paul's Churchyard, and there to make recantation of the several articles *seriatim*. This judgment, we are further informed, ended with the words 'Moreover his Majesty makes this known to all his subjects that if the said Crome shall hereafter be accused of these or the like articles, the severity of the law shall be executed upon him without any favour.' Then follows a narrative of the sequel, to the effect that when the appointed Sunday arrived Crome preached as usual, and at the end of his sermon told the people that he had received a document from the King to be read to them; and, having read it, he committed them to God in a short prayer and went away. A recantation of this sort did not answer the King's expectation, and we are not surprised to learn from this newsletter that Crome was forthwith forbidden to preach again.

Such, briefly, are the facts of the case of Dr. Crome, concerning which the letter at Zurich remained our only evidence until Townsend, about fifty years ago, in his edition of Fox's 'Acts and Monuments,' printed from Bishop Bonner's register the notarial text of this 'Judgment.' Now of late the accidental discovery has been made of an authentic

contemporary copy both of the 'Judgment' and the Articles of Accusation, which are printed below.

Of Dr. Crome himself almost all that is known will be found in the 'Dictionary of National Biography.' Like many of the best-known men of that time, his origin is still obscure; but no doubt he was a scion of the Norfolk family of Crome, Grome, or Groom[1]—the name being spelt in early deeds in all three ways, and found in the late fifteenth and the early sixteenth centuries at Barmer and Bagthorpe (near Docking), Burnham Norton, and Brancaster. Dr. Crome's connection with this part of the country is possibly indicated by a letter in the State Papers which shows that he was intimate with John Fincham of Fincham, a friend and neighbour of Sir Thomas Lestrange of Hunstanton.[2] Like most divines from East Anglia, he was educated at Cambridge, taking his degrees of B.A. in 1503, M.A. in 1507, and D.D. in 1526; but he does not appear in Le Neve's lists as holding any office there, although Archbishop Cranmer writes in 1539 that when Crome was president of a college in Cambridge it was the best-ruled house there. In the year 1540 the University of Cambridge, being required to give an opinion upon the question of the King's divorce, appointed him amongst others to prepare the answer; and the same year saw him named third in a list of twelve learned men appointed by that University to pronounce upon heretical books.

In the twentieth year of this reign Dr. Crome's name appears in the list of the members of the Privy Council sitting in the Court of Requests, probably, like the other learned doctors who are associated with him, in a consultative capacity.[3]

[1] This name has no connection with the baronial family of Croum (Crohom, Craon, Creon, Credun), of Continental origin, though equally of East Anglian occurrence. It is found in the French version of the Latin *Garcio*, 'le Grome,' and in the English equivalent during the fifteenth century, with a particular application to the scale of rank in the later feudal household. It is also necessary to distinguish this name from the place-name 'Cromer' or 'Crowmere,' as well as from an abbreviation of Abercrombie in use at the Court of Henry VIII.

[2] Letters and Papers, Henry VIII., iv. No. 1288.

[3] Select cases of the Court of Requests (Selden Soc.), p. cxv, *n.*

At some period previous to the year 1534 Crome must have obtained the rectory of St. Antonyns in London, which he exchanged, at the instance of Queen Anne Boleyn, for that of St. Mary Aldermary, where he continued rector from 1534 until his death in 1562. Crome achieved the rare distinction of being four times called upon to recant, and yet dying in peaceful possession of his church. The word 'necessary' seems to have been the keynote of his teaching. In 1531, when he made his first 'recantation,' explaining the matter to his congregation, he reminded them that he had always said 'Duty first, then devotion;' and now again he uses the words 'necessary to be believed' and 'unnecessary,' words which the King himself afterwards adopted, in his 'Necessary Doctrine for any Christian Man,' by which he hoped for ever to quench these controversies. Crome's second recantation was in 1541, the third in 1546, the fourth (if any was made) in Mary's reign.

And the explanation of it all seems to be found in that passage of Richard Hilles' letter, in which we are told how Dr. Crome went privately to the King and obtained his favour for his party. In one sense, therefore, and in the best sense of the word, Crome, like Cranmer himself, was a courtier. That such a man could find favour with the King may also explain his remarkable influence with his own followers, who do not seem to have been any whit dismayed by his politic recantations.

THE KING'S JUDGMENT AGAINST DR. CROME.[1]

The Kinges Graces judgemente and other ordre of Doctoure Crome parson of Aldermary within the Citie of London, geven and pronounced at the Kinges honoure of Hampton Courte the xviijth daie of Januarie in the xxxij^{h} yeare of his moste graciouse reigne, the Busshopps of Rochestre and Westm', Mr. Daie, Mr. Curren

[1] Lord Chamberlain's Books, Ser. I. p. 791.

Mr. Robynson, Mr. Cockes, and Mr. Leighton being presente, with Mr. Watkyns, the Kinges promotatorie (*sic*).

The Kinges Highnes, havinge receyved thansweres of Edward Crome, Doctoure of Dyvynitie and person of the perishe churche of Aldermarie within the Citie of London, to certen articles wheruppon he was examyned before his Majesties comyssaries therto by his Highnes appoynted, and being also advertised that the saide Doctoure Crome is even so resolved and perswaded in his herte and conscience as he dothe confesse in his saide aunswere subscribed with his hande and exhibited unto the Kinges Highnes, of his most graciouse goodnes and accustomed mercyfulnes, is contented and pleased at this tyme to forgeve and remytte the rigoure and severitie of his lawes, whiche his Majestie myght now justlie have executed againste hym. And his Highnes, further, myndynge thestablishement of Christian unytie, quiettnes and tranquillitie emonge his lovinge subjectes by unfayned confyrmytie in true preachinge and teachinge of the Worde of God, hathe taken ordre and discretion in this manner, as hereafter followith.

Firste that the saide Doctoure Crome, at his nexte sermonde which he shall make at the Crosse in Poules Churche Yarde, uppon the nexte Sondaie of Septuagisma nowe nexte followinge, shall playnelie and openlie declare and saie in this wise :

Whereas of late muche varietie of opynyons and contention hath risen and growen emonge the inhabitantes of this Citie of London by reason that eyther I, by defalte of good utteraunce and openynge of my mynde or other necligence of speache, have not clerelie and playnlie entreated and declared suche matters as I have in my sermondes spoken of, or ells because myne auditours have mystaken my preachinge and otherwyse interpreted and understoode the same then I mente ; You shall understande that I have bene and shalbe of this mynde and opynyon as nowe I shall particularlie declare unto you, that is to wytt :—[1]

1. That Scripture maie uppon lefull consideracion be restrayned from the ley people by prynces and chefe governours of the realme, so that theye shall nott rede it at theire pleasure in all places and at all tymes.

2. Praier, fastinge, almesdedes and other suffrages be profytable for soules departyd.

3. Masses publique and private be a sacrifice profytable bothe for the quicke and the dead ; and it is not in power of eny man to lymytte and dispence how muche and what space of tyme or whatt

[1] The numeration of the following articles is not found in the MS.

persone theie profytt particularlie, for that apperteyneth onlie to God whiche alone knoweth the mesures and tymes of his owne judgementies and mercies.

4. It is goode and laudable for us to praie to the sainctes in Heaven to praie to God with us and for us.

5. Althoughe, sins the Apostles tyme, no man hathe a spirituall auctoritie to ordeyne eny thinge to be observed as an article of our Faithe, notwithstandinge, everie kinge and prince within his realme hathe auctoritie to ordeyne diverse preceptes, lawes and other thinges whiche we subjectes are boundon to observe, kepe and obedientlie obeye ; and in doinge contrarie herof they do incurre the daunger of brekinge Godes commaundemente besides the daunger of of (*sic*) the princes lawes.

6. Thappostles taughte sondrie thinges that be not in plaine and evidente Scripture whiche oughte to be receyved, beleved and kepte of the Christen people as the Doctryne Appostolique.

7. Thinterpretacion of Scripture made by thaunciente doctours is to be allowed and reverentlie estemed.

8. The Christen people of this realme of England be the Churche of England, of the whiche Churche our sovereigne lorde Kinge of England is the supreme heade under Chryste bothe of the Clergie and Laytie.

9. Thauctoritie of the Churche is not above the Scripture, butt it aperteyneth to the Churche to testifie, to discerne, to rede, to expounde, to declare, to preache and teache the Scripture.

10. Althoughe masses and other suffrages be profitable for the soules departed, yitt, the Kinges majestie and his highe courte of Parliament lawfullie suppressed th'abbies and monasteries within this his graces realme uppon (as I think) other greater groundes and causes than this was to lett them stande.

11. It is the dutie of everie preacher to praie for the Kinge, the Quene and the Prince in his sermondes.

12. Suche preachers as saie that the Masse is available for the soules departed, as afore is rehersede, do not therbie, as ferreforthe as I knowe, go about to deprive the Kinges Majestie of his supremacy nor yitt to bringe in againe the Busshoppe of Rome.

13. Procession at Powles or ellswhere to praie for seasonable wether and asswaginge of the plage, and also for the good estate of our sovereigne lorde the Kinge, the Quene, the Prince and the hole realme, be well and commendablie instituted and good to be contynued.

14. Also I do nowe proteste and openlie declare here unto you

that whensoever and whatsoever I shall at eny tyme herafter preache or teache, in my sermondes or otherwise, againste the abbuses of anythinge touchinge the saide articles by me nowe rehersed, or enye of them, my mynde and entente plainlie is and shalbe to affirme and maynteyne the same articles, and in no wise to dissolve impungne or take awaie enye of them, or in enye poynte to dissente or disagree from them.

15. Also the Kinges Highnes hath ordered that the saide Doctour Crome whan and as often as it shall chaunce hym to preache againste enye abuses concernynge the matter before specified shall, before the rehersall of the said abuses, declare openlie and playnelie to the people his opynion and mynde of the righte uses therof accordinge to the premysses.

16. Also the Kinges Majestie hathe ordered that the saide Doctoure Crome, in the declaringe of the saide articles, or at eny other tyme herafter, shall not for his excuse or defence saie that he hathe bene falslie or unjustlie accused uppon eny matter concernyng the premysses.

17. Also the Kinges Grace notifieth and gevith knowledge to the said Doctoure Crome that, in case he shalbe at eny tyme accused for preachinge or teachinge herafter againste eny of the said articles, or for eny other like matter, and dulie proved, that then he shall not looke for lyke favoure, butt to have justice admynistred to hym accordinglie.

Articles of accusation againste Doctoure Crome.

1. Firste Christe hathe sufficientlie paide oure raunsome and we be forgiven clearlie throughe the merites of his Passion and Blud. Take me not here (saide he) that I denye goode workes or penaunce; for excepte ye have them it is a token ye be no Christen man. Butt, I saie that no good workes, nor yitt enye thinge ye can do, is or can be enye parte towardes youre justification neyther theare is eny satisfaccion as ye do satisfie.

2. Powle taughte sufficientlie all thinges that was necessarie to be done for the dead; but I reade not thatt Powle wolde have enye *Pater Noster* saide for the dede or enye masse pennye offered for them.

3. It is a supersticcion to saie masse for the deade.

4. If thou saie that it maie be gathered in Scripture that holie doctours dothe teache the; I saie No man oughte to beleve men excepte wee fynde it written in Scripture playne.

5. Theare is no man synce the Appostles tyme that had enye

auctoritie to make eny thinge whiche we are bounde to beleve, excepte wee fynde it in Scripture playne.

6. The Sacramente of th'aulter was ordeyned for them thatt be on lyve and nott for them that be deade; for it proffyteth them that be on lyve and not them that be deade.

7. And if the Masse be of so greate a thinge as ye saie it is, then the Kinges Grace hath done evill to putt downe the abbaies as he hathe done.

8. The sacramentes be of one like efficacie; for one cannott be baptized for another being on lyve, muche lesse when he is deade, no more canne one receyve the Sacrament of the aulter for enye other beinge on lyve for that shoulde do hym goode, muche lesse when he is deade.

9. Looke how muche your pardons did proffytt you, so muche dothe the masse proffytt youre sowles.

10. There was never memorie before Gregories tyme for the deade.

11. Thappostles saide none other masse but rede onlie at the Supper of the Lorde, and so did communycate unto the people. This was a goode shorte masse saide, and belike they had no suche trifles and baggages as we have.

12. This texte *Sancta et salubris est etc.* was not in the Booke of the Machabeites, butt of lyke written in the margent, and some foolishe fellowe [who?] thought it mete for his purpose, I think, did putt it in the texte, and so it hathe bene taken as Scripture.

13. This place *Ut a peccatis salvantur* ought [to read ?] *Ut a penis*; And so I thinke that place speakithe of the resurreccion and prayinge for the deade.

14. Poule taughte nothinge butt saide the Lorde saieth thus. Also Moyses and all the profittes used the same manoure of *Hec dicit Dominus*, *Locutus est Dominus*. Wherefore, if eny thinge be taughte you that is nott expressed in Scripture ye shall not beleve it. And whie? Because the Lorde speakith it not; for except he saithe it playnlie in the Scripture I will nott beleve hym.

15. He that teachithe eny thinge that is not expressed in plaine wordes of Scripture he teachith a doctrine not necessarie nor profytable, butt unprofytable.

16. He that teacheth that sainctes shoulde praie for us or that wee shoulde praie unto sainctes, that doctrine is not necessarie nor profytable but inprofytable, againste all Scripture.

17. Yf ye saie *Caritas nunquam exidit*, because theie praed for us in earthe of charitie thaie praie for us in Heaven wheare theie be more in charitie, then I saie Yf ye do prove that Pawle or eny other saincte

dothe praie for us it provith also thatt because Pawle made baskettes and laboured with his handes [he] also makithe baskettes in Heaven.

18. It is a thinge not necessarie nor profytable, but, I saie, unprofytable and againste all Scripture, to saie that masse dothe profytt the deade.

19. Yf ye saie that youre Mother the Holie Churche hathe beleved evill, I saie That is not the Holie Churche whiche men do teache ; for doctours agree nott butt arre one againste an other and often againste themselves, and menne do lie ; wherfore, we oughte not to beleve men, for it is not the Churche which menne do take.

20. The Holie Churche is the spouse of Christe and she were a maliperte wife if she wold saie eny thinge more than her husbande commaundeth her to saie, Wherfore or (*sic*) whatsoever I fynde written in Scripture I will beleve, and more I will nott because it is not Christes spouse.

21. Lyke as the tree whiche is cutt downe whereas it fallith theare it lieth still, whether it be easte, west, northe or southe, so dothe the soule of a man lye in a slepe till the Daie of Dome, in the same state that it was in when the bodie died, whether it it (*sic*) be in the state of salvacion or damnacion.

22. Ye speake of preachers, and calle us sediciouse preachers and saie that wee preache newe doctrine, but that is a lie ; for yourselves are sediciouse whiche will maynteyne supersticion of mennes lyves, and wee speake the Worde of the Lorde. You, that speakith mens sayinges which are not expressed in the Scripture, we maye not followe, because it is nott of the Lorde.

23. Men mervaile greatlie wherfore preachers agree nott. Verelie I knowe whie. Because that theie preache the worde of manne, whiche is againste Scripture, and wee preache the Worde of the Lorde. And if thaie would leave preachinge of lies and menn's sayinges and fantasies, and preache nothinge but that is expressed in Scripture, nor do them, wee shold agree anone.

24. Christes Churche shall ever suffre persecution, as of late some hathe suffered by the sworde and some by the fyre, but, yitt, all you thoughte to perswade them and ye coulde not overcomme them. Nomore shall you overcome us although ye persecute us ; for ye mighte saie ye had overcomme us if ye coulde make us to saie as ye saie, and then shoulde wee lie as you do and be chaplens to the Devill as ye be.

25. Looke howe it is not expedient to knowe the tyme and the token whan the Judgement shalbe, even so as necessarie it is to preache that praier profytteth the deade ; for if it had bene necessarie Pawle wold have taughte it.

BONDMEN IN SURREY UNDER THE TUDORS

Communicated by HENRY ELLIOT MALDEN, M.A.,
Vice-President and Hon. Secretary.

IN the appendix printed at the end of Mr. Savine's paper on 'Bondmen under the Tudors,'[1] where cases are given under counties, no instance is noticed in Surrey. I can at present supply two, and have little doubt that I shall come across more.

Mr. Manning copied a deed, which is in the possession of the Duke of Norfolk,[2] by which Sir Robert Southwell and Lady Margaret his wife conveyed to Henry Lechford of Charlwood the manors of Charlwood, Shelwood, Wykelond, &c.,' with the bondmen and their families. This was in the first year of Edward VI., 1547.

It is possible that this might be merely a survival of an accustomed form of conveyance, though there is no difficulty in taking it literally, especially in that neighbourhood. The following case, however, admits of no doubt.

At a sale in 1873 the late Mr. Gough Nichols bought certain deeds from the executors of a solicitor deceased. An abstract of them was made at the time by the late Rev. T. R. O'Fflahertie, the vicar of Capel, a very careful and learned antiquary, who transcribed many deeds and manorial rolls. I mention the circumstances because the deeds themselves are not now in the possession of Mr. Gough Nichols's family, and I do not know where they are. It appears that by deed poll executed June 18, 23 Eliz. (1581), Henry Earl of Derby, seised of the moiety of the manor of Reigate,

[1] *Trans. Royal Hist. Soc.* vol. xvii.

[2] Manning and Bray, *History of Surrey*, ii. 188.

grants to Charles Lord Howard of Effingham, Richard Ace and Richard Gauder of the parish of Reigate, William Botchinge of the parish of Nutfeilde, Nicholas Gauder and John Botchinge, 'villayns and bondesmen regardaunt' belonging to the manor of Reigate, their issues, sons and daughters. Witnesses: Robert Forthe, Thomas Lyfeld, Edmond Slyfeld, Thomas Vincent, John Skynner, Rychard Barton, John Cowper, Richard Bostock, Robert Lyvesey. It is to be noticed that seven at least of the witnesses are gentlemen of some note and consideration in the neighbourhood—I do not know who Robert Forthe and Rychard Barton were—as if it were desired to make the transaction notorious.

Then, by deed undated, Charles Lord Howard of Effingham, seised of the moiety of the manor of Reigate, that is, of the other half not held by the Earl of Derby, 'for divers good reasons hath manumyssed from the yoke and servytude of vyllenage and bondage, delivered and discharged, Richard Gauder and Bartholomew Gauder, his, the said Richard's, son, and Fraunsees Gauder, his, the said Richard's, daughter, and thir sequele sons and daughters; and giveth them all goods and chattells they may now have or may get or obtaine.'

It is probable that there were similar deeds of manumission to the rest.

They are described as 'villayns and bondesmen,' as if the two were identical; but it is by no means certain that they were the descendants of *villani* properly so called. In Reigate and in Nutfield there had been *villani*, and there had been common fields. The bondmen transferred with their families in 1547 were living in manors on the Wealden clay, in that part of the county which was uninhabited, or but sparsely settled at the time of the Domesday Survey, where there were no communities tilling their common fields, and where W. Stevenson in his 'View of the Agriculture of Surrey,' 1809, says that there were no common fields in his time, and had never been any, any more than there were on

the clay in Sussex. The common fields of which trace or mention remains in Surrey were outside the Weald, so far as I have been able to trace them. When cultivation was carried beyond the boundaries tilled in 1086 *villani* from the old manors were sometimes allowed to take up 'new land' as rent-paying farmers ;[1] but it would be absurd to say that there was no bondage in the Weald. Most of the small farms, indeed, are, or were, copyhold. But I suspect that the bondmen of the Weald were bordars, cottars, or the *servi* of Domesday. Reigate, the home of Richard Gauder and his brethren, is contiguous to the manors named in the 1547 instance,[2] and all this corner of Surrey was markedly full of *servi* in 1086, compared with the rest of the county. In the whole county the *servi* were from one ninth to one tenth of the enumerated population, whatever the enumeration means. In Tandridge Hundred, the south-east corner of Surrey, they were one in four ; in Reigate Hundred they were one in five or six, all appearing on the four manors of Merstham, Nutfield, Chipsted, and Buckland ; on Merstham manor they were one in three. The bondmen of the sixteenth century are therefore to be found in the very heart of the country of the *servi* of 1086, and the supposition is at least plausible that the descendants of those who were the lowest in the social scale were the last to emerge into full freedom. But this is a wide question beyond the original purpose of this note, which was to supply a gap in Mr. Savine's list, and one instance of manumission later than most of those which he gives.

[1] There is an instance in the Chancery *Inq. P.M.* on Nicholas Bullock, villain of the Bishop of Winchester at Farnham in 1261.

[2] Wykelond was probably originally part of the manor of Reigate, Charlwood of Merstham, Shelwood of the far distant Ewell ; manors north of the Weald had outlying members on the clay, which became afterwards separate manors.

ENGLISH SHIPS IN THE REIGN OF JAMES I.

Communicated by R. G. MARSDEN, M.A.

I. INTRODUCTION.

THE following list of ships' names occurring in documents of the reign of James I. (March 24, 1603, to March 27, 1625), has been compiled mainly from the following sources:

High Court of Admiralty, Records.

State Papers Domestic, Ireland, Colonial, East Indies, America, Venice.

Historical MSS. Commission, Reports.

Customs Rolls.

Exchequer, Warrants for Issues, Issue Rolls, and K. R. Memoranda Rolls.

MSS. (various) British Museum.

Letter Book of the East India Company (Birdwood and Foster).

Letters received by the East India Company (Stevens).

Purchas, his Pilgrims.

Hakluyt Society, Publications.

Camden Society, Publications.

The list includes the names of the king's ships; for these I have relied mainly upon Mr. Oppenheim's 'Administration of the Royal Navy.' Many of the king's ships had namesakes who were merchantmen.

The number of names in the list is about 1,000; the number of ships bearing them is much larger—perhaps 1,200 or 1,400. Such names as 'Anne,' 'Blessing' (or 'Blessing of God'), 'Elizabeth,' 'Gift' (or 'Gift of God'), 'Grace' (or 'Grace of God'), 'Hope' (or 'Hopewell'), 'James,' 'John,' 'Margaret,' 'Mary,'

'Mayflower,' 'Thomas,' and 'William' were very common; of ships bearing those thirteen names there would seem, from the number of ports to which they are described as belonging, to have been over 300.

The tonnage of the larger ships is sometimes but not generally stated in some document relating to her; but to only about 200 of the 1,200 or 1,400 merchant ships whose names we know can a definite tonnage be assigned. Of these 200 the majority are over 200 tons, the tonnage of those below that burden being rarely given. Owing to the loose statements as to the tonnage of the same ship and to the frequent use of the same name for different ships, only a rough estimate can be arrived at as to the number of ships of a specified tonnage. Of ships over 500 tons there are about 30, of which only 6 are merchantmen; of ships between 400 and 500 tons, 12 or 15; between 300 and 400 tons, 35 or 40; between 200 and 300 tons, about 100; of those between 100 and 200 tons there are only about 80 of which the tonnage is stated, but the real number was probably 200 or 300. The largest man-of-war was the 'Princess Royal,' 1,200 tons; the largest merchantman was the 'Trades Increase,' 1,100 tons.

The ships of the Royal Navy number 50; ships noted as having sailed to the East Indies, 97; to Virginia and North America, 80; to the Mediterranean, about 50; to the West Indies, 23; to northern seas for whales or discovery, 18; to South America, 3. Owing to the voluminous records of the East India Company and to the Colonial series, most of the names of the ships engaged in those trades have been preserved.

Ships of the Royal Navy, in the records called 'naves regiæ' or 'of his majesty,' are distinguished in the list by the modern style 'H.M.S.' The column headed 'Tons' gives the recorded tonnage of the ship or ships of the corresponding name; where more than two tonnages are recorded, the highest and lowest figures (thus, '160–348') are given. The column headed 'Ports' gives, by reference

to the corresponding number of the port or ports in the list of ports, the port or ports to which the ship, or ships of the same name, belonged. Many of the ships have no recorded port. The 'Voyages' column gives the voyages which the ship is known to have made: East Indies, 'E. I.'; Virginia or North America, 'Va.'; Arctic seas, for whales or discovery, 'Wh.'; South America, 'S. A.'; West Indies, 'W. I.'; Mediterranean, 'Med.' The last or 'References' column gives approximately the number of documents in which the name has been noted as occurring.

Whether or no a ship found her way into the records was largely a matter of accident, and it will be understood that the list does not purport to be a complete list of ships of the reign. Materials for compiling a complete list do not exist; probably the present list may from time to time, as new documents come to light, be enlarged. The total list of ships afloat can only be guessed at; judging from the number of recorded names, the total, exclusive of fishermen and small craft, of which there are not many in the list, must have exceeded 2,000. An estimate[1] belonging to an early year of the reign gives the following numbers: ships fit for war or merchandise, 800; ships between 40 and 100 tons, 800; hoys 'and other great hulks,' 150; small craft and fishermen, 1,500. This estimate, which is unsigned and of doubtful authority, is probably excessive; but the number of known ships in the list shows a very great increase over the figures of the middle of Elizabeth's reign. A list of ships[2] of and over 100 tons for 1588, the Armada year, gives a total of only 183 ships; another list for 1582 gives 177. The number of ships of and over 100 tons for James's reign was probably not less than 400, since the known ships of and over 200 tons were 130. In 1609 grievous complaint was made of the decay of English shipping in the Spanish and Bordeaux wine trades and in the Norway and east country trades, by reason of Dutch competition; but no mention is made of the growing East Indian and American trades.

[1] Add. MSS. 18666, f. 5.

[2] Lansd. 142, f. 306.

Probably this complaint was by merchants engaged upon the older trade routes, and must not be relied upon as representing the state of shipping generally.

It is not possible in these pages to set out all the references (over 10,000) to the documents in which the ship's names occur; those which relate to a few historic ships, or are for other reasons interesting, are given at the foot of this paper. As to the character of the information supplied by the documents, it is difficult to give even a general description. A large number of the records, particularly the Memoranda Rolls, in which ships are seldom mentioned except for customs purposes, give meagre details; on the other hand, the Libels, Examinations, and other series amongst the Admiralty court records, sometimes give full particulars of a ship's career upon particular voyages. A ship's name is often useful in piecing together a story contained in documents not otherwise connected; and there is scarcely a document from which something besides the mere name may not be gleaned relating to the ship. Where little but the name is mentioned, and the name is a common one, there is often great difficulty in identifying her. For this purpose the title of the suit, in the case of the Admiralty court records, is of assistance; and where this does not appear upon the document, some or one of the following matters are commonly mentioned, and may give a clue to her identity: her building port, owners' and master's names, charter parties, bills of lading, passengers, cargo, voyages, casualties, tonnage, armament, letters of reprisal, appraisement, capture, and loss. Statements of a ship's port and tonnage are not conclusive for purposes of identification; the same ship is not always described as of the same port, and statements of tonnage are unreliable. A well-known ship, the King's 'Vanguard,' is described as of 600, 660, 701, and 832 tons; whether the less known 'Amitys,' described as of 190, 200, 203, 232 tons, are the same or different ships, it is impossible to say. Change of a ship's name is another source of confusion; but where the 'alias' is known or given, it appears in the list.

II.—List of Ships.

Name	Tons	Ports[1]	Voyages	References
Abiah	266, 300	—	—	3
Abigail	250–300	79, 93, 130	Va.	31
Abraham	150, 235	79, 93, 126, 186	—	20
Abraham and Isaac	—	—	—	—
Abraham and Richard	—	93	Russia	5
Achates, H.M.S.	180	—	—	2
Acorn	—	—	—	2
Acquittance, *see* Quittance, H.M.S.	—	—	—	—
Adam	—	93	Va.	3
Adam and Eve	—	93	—	—
Advantage, H.M.S.	216	—	—	14
Advantage	—	93	—	—
Advantagia, H.M.S.	—	—	—	—
Adventure, H.M.S.	206, 250	—	—	2
Adventure	—	79, 93	—	69
Advice, H.M.S.	—	—	E. I.	9
Æneas	—	37, 93	—	
Affection	120	69, 93, 106	—	23
Africa (or African)	—	93	—	17
Agnes	—	—	—	—
Aid, H.M.S.	200	—	—	—
Aid	185	—	W. I.	7
Albright	79	—	—	2
Alsecho (? Alcedo)	—	—	Med.	—
Alcedon	250, 448	93	—	13
Alethia	—	93	—	27
Alexander[2]	—	89, 113	—	20
Alice	190	7, 47, 128	—	7
Alice Bonaventure	—	128	—	—
Alice Sackford	—	—	—	—
Almond	—	79, 189	—	2
Amaris	—	—	—	—
Ambassador	—	—	—	—
Ambrose	—	—	—	—
Amethyst	—	93	Med.	—
Amiable	—	93	—	—
Amity	160–348	(*n.* 3)	—	114
Amy	—	96, 169, 185	—	10
Anabaptist	—	—	—	—
Anada[4]	—	—	—	—
Andrew[5]	—	(*n.* 6)	E. I.	13
Andrew and Christopher	—	—	—	3
Angel	200	(*n.* 7)	Med.	46
Angel Gabriel	—	—	—	5
Angel Raphael	—	—	—	2
Angiliver	—	75	—	—

[1] See p. 310 above. The numbers correspond with those of the ports in the List, p. 336 below.
[2] Or Emily. [3] Ports 44, 47, 75, 93, 120, 126, 142, 185, 190, 192.
[4] Or Devil of Dunkirk. [5] See also St. Andrew.
[6] Ports 21, 52, 73, 96, 98, 147.
[7] Ports 12, 20, 88, 89, 91, 93, 121, 128, 132, 189.

Name	Tons	Ports	Voyages	References
Anne (or Anne Royal), H.M.S.[1]	1057	—	—	—
Anne[2]	145–245	(*n.* 3)	Va., E. I.	111
Anne and Bridget	—	—	—	—
Anne and Elizabeth	—	—	—	—
Anne and Francis	100, 189	69, 93	—	3
Anne and Samuel	—	79	—	—
Anne Awdrey	—	93	—	2
Anne Bonaventure[4]	372	79, 93	—	12
Anne Catherine	141	93	—	2
Anne Clere (or Cleeve)	—	93	—	3
Anne Constance	—	188, 192	—	23
Anne Elizabeth[5]	—	—	—	4
Anne Francis	—	3, 93, 189, 192	—	12
Anne Gallant	—	93	Med.	5
Anne George[6]	—	156	—	2
Anne Lion	—	—	—	2
Anne Maid	—	104	—	—
Anne Rose	—	—	—	5
Anne Royal, *see* Anne, H.M.S.	—	—	—	—
Anne Sackford	—	—	—	—
Anne Speedwell	192	69, 93	—	16
Anne Susan	—	93	—	—
Anniloe	—	—	—	3
Annis	—	189	—	—
Annula	140	—	—	—
Answer, H.M.S.	200	—	—	7
Antelope, H.M.S.	200–450	—	—	—
Antelope	180	89, 93	—	26
Anthony	240	93, 106	—	15
Anthony and James	205	93	—	3
Apollo	—	69	—	—
Apple	—	—	—	—
Apricot	—	—	—	—
Arcana (or Arcania)	—	93	—	4
Archangel	365	93, 130	Va., W. I., S. A.	35
Archer	—	—	—	—
Ark	200	93, 192	—	3
Ark (or Bark) Raleigh, H.M.S.[7]	80, 180	—	—	—
Ark Royal, *see* Anne, H.M.S.	—	—	—	—
Arkeamat (?)	—	—	—	—
Arthur	—	104	W. I.	3
Ascention	260, 400	20, 93, 95, 106	E. I.	23
Assurance, H.M.S.[8]	600	—	—	—

[1] Old Ark Royal, sometimes called Ark Raleigh; see Oppenheim, 'Administration of the Navy,' p. 123, citing 'S. P. Dom.' clx. 60, and Pipe Off. Acc. 2211.

[2] Or Nicholas, Providence, Unity.

[3] Ports 13, 17, 21, 35, 37, 44, 47, 58, 64, 66, 67, 69, 75, 76, 79, 82, 93, 96, 98, 106, 111, 113, 115, 126, 129, 136, 145, 161, 169, 175, 176, 183, 187, 189, 192.

[4] Or Ulysses.

[5] Or Elizabeth.

[6] Or Mary Constant.

[7] Stowe, 574, f. 13; Add. 18666, f. 5. This ship is not elsewhere mentioned. The Elizabethan Ark Raleigh was a much larger ship; see Anne, H.M.S., supra.

[8] Old Hope.

Name	Tons	Ports	Voyages	References
Assurance [1]	300, 363	47, 93	—	31
Attendance	—	—	E. I.	14
Auntie	—	47	—	—
Avada [2]	—	—	—	—
Avartar	—	75	—	2
Avon	—	—	—	—
Bachelor	—	79, 93	—	14
Bantam	—	—	E. I.	2
Baptist	—	—	—	—
Barbara	200, 310	93, 98, 131	—	12
Barbara Constance	200-351	93	—	8
Bark	—	—	—	2
Bark Allen	—	90, 114	—	2
Bark Bonham	—	—	—	—
Bark Fox	—	144	—	—
Bark King	117	113	—	6
Bark Parnell	—	39	—	2
Bark Raleigh, H.M.S., *see* Ark	—	—	—	—
Bark Reinolds	—	93	—	—
Bark Samuel	—	—	—	7
Bartholomew [3]	—	91*a*	—	2
Bear, H.M.S., *see* White Bear	—	—	—	—
Bear [4]	400	40, 93	E. I.	18
Bear's Whelp [5]	110	—	E. I.	—
Beatrice	—	—	—	—
Bee	—	—	E. I.	10
Bell	—	93, 192	—	5
Benediction	—	126	Med.	3
Benevolence [6]	—	—	—	3
Benjamin	200, 304	93, 165	—	16
Benjamin and John	—	53	—	3
Benjamin and Thomas	—	—	—	—
Benjamin Bonaventure	—	—	—	—
Bennett	—	4, 24	—	9
Bernard (or Barnard)	—	128	—	6
Bernard and Michael	—	—	—	2
Bess	—	98, 106, 118	—	4
Beteris [7]	—	93	—	4
Betty	—	—	—	—
Bevis [8]	400	130, 162	—	9
Black Bess	—	93	—	4
Black Cock	—	93	—	4
Black Dog	—	93	—	4
Black Eagle	—	93	—	5
Black Lion	—	85, 93	—	15
Black Nan	—	—	—	—
Black Raven	—	93	—	4
Black Swan	—	24	—	3
Blandina	—	93	—	4
Blessing [9]	210	(*n.* 10)	Va., E. I.	118

[1] Or Kingsfisher. [2] Or Garland. [3] Avartar. [4] Or George.
[4] Or White Bear; Old Merchant Royal.
[5] Or Bear and Benjamin; and see White Bear. [6] Or Bottle.
[7] Bettrice, Bettriose, Buttress. [8] Or Dragon. [9] Or Blessing of God, or Phœnix.
[10] Ports 3, 7, 24, 27, 50, 61, 69, 70, 75, 86, 89, 93, 113, 126, 128, 138, 139, 155, 162, 176*a*, 185, 192.

Name	Tons	Ports	Voyages	References
Blessing of God	—	(*n.* 1)	—	27
Blue David (?)	—	—	—	—
Blue Dove	—	6, 85	—	2
Blue Lion	—	—	—	5
Blue Man of War	—	—	—	2
Boar	—	—	—	—
Bon Accord	—	1	—	—
Bona Esperansa [2]	—	47	—	—
Bonaventure, H.M.S.	500–820	—	—	—
Bonaventure [3]	290	47, 52, 63, 93, 102	Med.	28
Bona Nova	200	—	Va.	3
Bonavoglia, H.M.S.	80, 180	—	—	—
Bonny	—	—	—	—
Bonny Bess	—	93	Va.	4
Bonte Lion [4]	—	—	—	6
Bountie	300	—	—	—
Bracke	—	—	—	3
Brave	233	75, 93	—	13
Brewry [5]	—	—	—	2
Bride	—	—	—	2
Bridget	—	37, 93	—	2
Bright Star	—	81	—	—
Bruce	—	89	—	—
Bull, H.M.S.	180	—	—	—
Bull	350	79	E. I.	29
Bull Bear and Horse	—	—	—	2
Burthia	—	61	—	—
Butten	—	—	—	—
Butterfly	221	79	—	—
Cade	—	79	—	—
Cameleon	213	—	—	—
Captain	—	—	—	—
Cardinal	—	—	—	—
Carnation	200-230	(*n.* 6)	—	12
Carwell	—	—	—	—
Cat	—	—	—	4
Centaur	100–230	24, 93, 189	E. I.	28
Centurion	120–300	69, 93, 192	—	24
Champernoon	—	—	—	2
Chance	—	—	—	—
Chancewell	—	75, 93, 192	—	2
Charity [7]	100–240	47, 93, 181	Va.	60
Charles, H.M.S. [8]	120	—	—	—
Charles	100	93, 181	Va., E. I.	53
Cherry Tree	—	—	—	2
Cherubim	240, 300	13, 93, 120	—	18
Christian	167, 260	(*n.* 9)	—	10
Christopher	200	(*n.* 10)	E. I.	26

[1] Ports 27, 65, 85, 89, 90, 93, 126, 128.
[2] Boon Sperans.
[3] Or Expedition.
[4] Or Pied Lion; semble a foreign name.
[5] Or Bruer.
[6] Ports 39, 69, 79, 113, 120.
[7] Or Isau, or Elizabeth Anne Cleeve.
[8] Hist. MSS., 12 Rep. app. pt. 1, p. 142, &c., a pinnace.
[9] Ports 47, 81*a*, 93, 126, 163, 185.
[10] Ports 26, 47, 69, 73, 75, 93, 95, 150.

Name	Tons	Ports	Voyages	References
Christopher and Andrew	—	—	W. I.	—
Christopher and Thomas	—	—	—	—
Chudley	—	—	Va., E. I.	2
Church of Beates	—	—	—	—
Cicely	—	93, 98, 113	—	3
Cinthia[1]	180	93	—	6
Claudius	—	93	—	—
Claw (? Dragon's Claw)	—	—	E. I.	2
Cleere	—	—	—	—
Clement	—	78, 98, 184	—	4
Clove	—	—	E. I.	11
Coaster	—	—	E. I.	3
Cobbelory (or Cobbeloye)	—	—	—	2
Cock	—	—	—	2
Cockleshell[2]	—	—	—	—
Collett	—	162	—	2
Comfort	—	79, 171	—	17
Compass	—	—	—	—
Conception	—	—	—	—
Concord	180-400	24, 93, 126, 170, 185, 189	Va.	35
Confidence	213	93	—	5
Consent	115-360	3, 24, 93, 142	E. I.	44
Consolation	—	24	—	3
Consort	—	—	—	7
Constraint	—	—	—	3
Constance (or Constant)	—	61, 93, 170	—	11
Constant Reformation, H.M.S.	752	—	—	—
Constraint	—	—	—	4
Consul	—	93	—	2
Content	—	(*n.* 3)	—	29
Convert	240	—	—	—
Convertine, H.M.S.[4]	500-700	—	—	23
Cornelius	—	—	—	—
Costly (or Corslet)	250	79, 93	Med.	14
Crane, H.M.S.	253	—	—	26
Creeper[5]	—	—	—	—
Cuckoo[6]	—	—	—	—
Cupidon	—	—	—	—
Cuthbert (? Cutbte)	—	4	—	—
Cygnet, H.M.S.	20	—	—	—
Dainty[7]	280, 310	88, 93	—	14
Daisy	240	93, 155, 185	—	20
Damsel	—	185	—	14
Daniel	—	24, 75, 93, 192	—	12
Darling	300	93	E.I., W.I.	22
David	120	93, 125, 126	Va.	7

[1] Or Moon. [2] Or Bonaventure. [3] Ports 15, 61, 69, 79, 88, 89, 93, 126, 170, 192. [4] Sir W. Rayleigh's Destiny. [5] Or Thomas and Maria. [6] Or Swan. [7] And New Dainty.

Name	Tons	Ports	Voyages	References
Davis (? David)	—	—	Med.	—
Dawson	—	—	—	2
Defence	300	93	E. I.	23
Defiance, H.M.S.	500	—	—	13
Delight	246	93, 96, 119, 170, 192	—	29
Deliverance	—	—	Va.	—
Desire, H.M.S.	—	—	—	—
Desire	150–290	(*n.* 1)	Wh.	59
Despatch	—	—	W. I.	3
Desperation	—	—	—	—
Destiny, *see* Convertine	—	—	S. A.	—
Devil of Dunkirk [2]	—	—	—	—
Device (? Divise)	—	93	—	—
Diamond	160, 277	(*n.* 3)	E. I.	61
Diana	120	47, 93, 114, 154, 155	Va.	29
Diligence	120	—	—	—
Diligent Bee [4]	—	93	—	4
Discoverer	—	—	Va.	—
Discovery [5]	—	93	Va., E. I.	14
Disdain	—	—	—	—
Doewell	—	3	—	—
Doll	—	142	—	3
Dolphin	160	79, 93, 113, 114, 189	E. I.	68
Domon	—	113	—	—
Don de Dieu [6]	—	—	—	2
Dorcas [7]	—	93	—	22
Dorothy	—	24, 93, 181	—	13
Dorothy Constance	—	93	—	6
Dove	—	93, 170, 192	—	12
Dragon [8]	204–800	(*n.*9)	Med., Wh., Va., E.I.	86
Dreadnought, H.M.S. [10]	400–800	—	—	19
Drumbler	—	—	—	—
Due Repulse, H.M.S.	700	—	—	2
Due Return	—	—	Va.	—
Dumble	—	—	—	—
Duty	—	—	Va.	—
Eagle	—	75, 89, 93, 155	E. I.	26
Edgar	—	79	—	—
Edith	—	44	—	—
Edward	205	(*n.* 11)	—	39
Edward and John [12]	—	39, 93, 188	—	16

[1] Ports 3, 61, 69, 75, 79, 93, 113, 135.
[2] Or Anada, or Bell.
[3] Ports 44, 50, 88, 93, 96, 98, 134, 160, 185.
[4] Or Adam and Eve.
[5] Or Hopewell.
[6] Or Helen and George.
[7] Or Mayflower.
[8] Or Red Dragon; old Malice Scourge.
[9] Ports 3, 25, 93, 96, 128, 130, 162.
[10] The true tonnage seems to have been 450; see Oppenheim, p. 202.
[11] Ports 2, 23, 25, 43, 58, 75, 79, 93, 96, 106, 188.
[12] Or Marigold.

Name	Tons	Ports	Voyages	References
Edward Bonaventure	180, 250	93	—	4
Edwin	—	93	Va.	6
Eleanor	—	(*n.* 1)	Va.	17
Elephant	—	24, 93	Med.	15
Elizabeth	120–230	(*n.* 2)	Wh., E. I., Va.	250
Elizabeth and Clara	—	—	—	—
Elizabeth and Joan	—	126	—	6
Elizabeth and John	—	93, 96	—	4
Elizabeth and Joseph	—	—	—	2
Elizabeth and Margaret	—	—	—	—
Elizabeth and Mary	—	—	—	2
Elizabeth Angel	—	—	—	2
Elizabeth Anne	—	—	—	—
Elizabeth Anne Cleere [3]	—	—	—	8
Elizabeth Ann Judith	—	93	—	9
Elizabeth Consort	297	93	—	2
Elizabeth Constant [4]	240	69, 93	—	10
Elizabeth Felix [5]	200	—	Med.	—
Elizabeth Fones	—	126	—	—
Elizabeth Grace	—	69	—	—
Elizabeth Jonas, H.M.S. [6]	900	—	—	—
Elizabeth Jonas	300	—	—	—
Elizabeth Joseph	—	—	—	2
Elizabeth Margaret	—	93	—	—
Ellen [7]	200	(*n.* 8)	—	23
Ellen and George	—	3, 93	Med.	8
Ellen and John [9]	—	—	—	—
Ellen and Rose	—	93	—	2
Ellen and Susan	—	93	—	—
Eme (? Emmy)	—	—	—	—
Emmanuel	—	23, 93, 113	—	17
Encounter	—	93	—	3
Endeavour	200, 300	47, 79, 93, 126, 170	E. I.	24
Entrance, *see* Happy Entrance	—	—	—	—
Esperance	212	81, 93	—	6
Exchange [10]	—	9, 24, 93, 193	—	38
Expectation	—	160	—	2
Expedition	300	93	E. I.	25
Faith	—	43	—	—
Faithful	—	—	—	—
Falcon, H.M.S.	180	—	—	—
Falcon	150	79, 93, 155	Va., E. I., Med.	38
Fancy	—	93	—	—
Farewell (Farrwell)	—	—	—	—
Fawn (Fowne)	—	126	—	—

[1] Ports 93, 116, 126, 160, 162.
[2] Ports 6, 23, 39, 62, 72, 75, 79, 81, 88, 89, 93, 98, 102, 105, 106, 113, 114, 126, 128, 142, 155, 162, 167, 173, 180, 189.
[3] Or Cleeve. [4] Or Constance. [5] Or Susan Parnell. [6] Or Elizabeth.
[7] Or Eleanor. [8] Ports 3, 22, 25, 36, 47, 58, 93, 146, 160. [9] Or Hercules.
[10] See Royal Exchange.

Name	Tons	Ports	Voyages	References
Feather	—	97	—	7
Felix	—	93, 98	—	5
Fellowship	—	93, 98, 185	—	9
Ferme	—	—	—	—
Fetherstone	183	93	—	—
Firedrake	—	102	—	2
Flower	—	47, 81	—	4
Flower de Luce	—	13, 79	—	2
Flowers of Comfort	—	—	—	5
Fly	—	—	—	2
Flying Cow [1]	—	—	—	—
Flying Dove	—	—	—	—
Flying Dragon	—	24	—	3
Flying Hart	200	75, 93	Va.	17
Flying Joan	—	93	W. I.	17
Flying Lion	—	—	—	—
Foresight, H.M.S.	306	—	—	3
Fortune [2]	120–197	(*n.* 3)	Va., E. I.	129
Fox	170, 360	191	—	7
Frances [4]	310	(*n.* 5)	E. I.	40
Frances and John	—	93	—	4
Frances and Thomas	—	—	—	—
Frances Bonaventure	—	93	Va.	8
Frank (Frauncke)	303	112	—	—
Friendship	311	93, 170	—	22
Frigott [6]	—	—	—	—
Frolick	—	—	—	—
Furtherance	180	—	Va.	3
Gabriel	—	44, 89	—	4
Gallarita, H.M. galley (Galertia)	—	—	—	—
Gallant	350	61	—	9
Galleon	—	156	—	—
Galleon Bonaventure	—	—	—	—
Galleon Hudson	—	113	—	—
Galley, H.M.	—	—	—	—
Gamaliel [7]	200, 260	—	E. I.	15
Garland, H.M.S. [8]	700	—	—	—
Garland [9]	176, 250	4	W. I.	64
Gaviotta	—	—	—	2
Gentlewoman	—	93	—	—
George, H.M. hoy	100	—	—	—
George	100–290	(*n.* 10)	Va., Wh.	95
George and Edward	—	—	—	—
George Bonaventure	—	93	Med.	4
Gideon	—	93	—	4
Gift	120–340	(*n.* 11)	E. I.	37
Gift of God [12]	140–250	(*n.* 13)	Va., Russia	176

[1] Or Thomas.
[2] Or Angel, St. George.
[3] Ports 24, 39, 47, 75, 85, 89, 93, 114, 116, 117, 142, 170, 189.
[4] Or Recovery.
[5] Ports 62, 81, 93, 148, 156, 192.
[6] Or St. John.
[7] Or Seahorse.
[8] Or Guardland.
[9] Or Devil of Dunkirk.
[10] Ports 19, 39, 46, 5c, 67, 72, 79, 85, 91*a*, 93, 98, 99, 120, 122, 126, 131, 142, 151, 154, 162, 168, 181, 189, 192.
[11] 26, 28, 39, 47, 48, 79, 87, 98, 114, 118, 120, 126, 162.
[12] Or God's Gift, Godspeed, Dragon, Bevis, Milknapp, Samuel.
[13] Ports 3, 13, 18, 26, 30*a*, 37, 41, 44, 47, 48, 68, 75, 79, 83, 85, 87, 89, 93, 104, 106, 110, 113, 120, 126, 128, 131, 137, 146, 149, 176*a*.

Name	Tons	Ports	Voyages	References
Gillian	—	11	—	2
Gilliflower	—	93	—	7
Gioanato (? Jennett)	—	—	Med.	—
Globe	298–385	3, 39, 88, 93	E. I.	44
God Save Her	—	13, 117	—	4
Godspeed[1]	150	(*n.* 2)	Va., E. I., Wh.	31
God's Blessing	—	—	—	—
God's Gift	176, 220	3, 39, 79, 93	Va.	15
God's Grace	—	75	—	—
God's Help	—	166	—	—
Golden Calf[3]	—	—	—	—
Golden Cat	—	—	—	3
Golden Cock	250	—	—	6
Golden Crown	—	—	—	—
Golden Dragon[4]	200–380	93	—	31
Golden Falcon	—	—	—	27
Golden Hopsack	—	—	—	—
Golden Lion[5]	500	24, 89	—	17
Golden Phœnix	300	93	—	10
Good Fortune	—	89, 139	—	9
Good God	—	—	Med.	—
Good Grace	—	—	—	3
Good Hansel	—	—	—	8
Good Hope[6]	—	54, 93, 170	Med.	9
Good Will	—	126, 189	—	8
Grace	180	(*n.* 7)	Med.	86
Grace of God[8]	180	(*n.* 9)	Med.	57
Grace Bonaventure	—	24	—	—
Grape	—	—	—	—
Great Defence	—	—	—	—
Great Exchange[10]	—	—	—	2
Great Hopewell	—	—	—	—
Great James[11]	—	—	—	—
Great John	—	—	—	3
Great Knave	—	11	—	—
Great Neptune	600	—	—	3
Great Phœnix	—	93	—	3
Great Portion[12]	—	—	—	—
Great Sapphire	420	—	—	—
Great Susan	—	—	E. I.	2
Green Dragon	—	—	—	—
Green Peacock	150	—	—	—
Gregory	—	102	—	—
Grey Falcon	—	93	—	8
Greyhound	200	(*n.* 13)	Va., E. I., Med.	54
Griffen	318	113, 120	—	22

[1] Or Gift of God, God's Gift.
[2] Ports 10, 93, 128, 190, 192.
[3] Or Hubert.
[4] Or Bevis, Dragon.
[5] See Red Lion.
[6] Or Hopewell, Discovery.
[7] Ports 24, 27, 44, 49, 50, 69, 80*a*, 84, 93, 99, 124, 126, 154, 180.
[8] Or Sun.
[9] Ports 3, 6, 49, 52, 64, 84, 85, 89, 93, 176*a*.
[10] See Royal Exchange.
[11] See Royal James.
[12] Or Garland.
[13] Ports 3, 21, 24, 71, 75, 93, 103, 126, 146.

Name	Tons	Ports	Voyages	References
Grissel	—	—	W. I.	14
Guardland, H.M.S., *see* Garland	—	—	—	—
Guiana [1]	211	93	Med.	3
Half Moon [2]	—	—	—	—
Hambrough	—	—	—	—
Handmaid, H.M.S.	180	—	—	—
Handmaid	—	79, 88, 93	—	25
Handywork of God	230	44	—	—
Hannibal	—	—	—	2
Happy Entrance (or Entrance), H.M.S.	582	—	E. I.	13
Hare	140	75, 93, 104, 113	Va.	12
Harry	—	(*n.* 3)	—	13
Hart	—	47, 75, 93	E. I.	45
Harvest [4]	—	—	—	—
Hawk	—	146	—	—
Hazard (?), Harsard	—	185	—	—
Heart's Content	—	75	—	—
Heart's Desire	—	93, 96	—	11
Heartsease	—	93	—	7
Hector	300, 500	93	E. I.	24
Helen (or Helena)	200	3	—	4
Helen and George	—	—	—	—
Help	—	—	—	—
Help at Need	—	—	—	4
Henry	—	69, 85, 116, 128	—	5
Henry and Thomas	—	—	—	—
Henry Bonaventure	—	—	—	—
Henry Jones	—	—	—	—
Henry Sackford	—	—	—	—
Hercules	240–360	93, 126, 146	Va.	21
Hermit	230–303	93	—	4
Hester	—	—	—	—
Holy Mary Anne	—	—	Med.	—
Honour	—	93	—	7
Hope, H.M.S.	800	—	—	—
Hope [5]	274	(*n.* 6)	E. I.	82
Hope for Grace	—	50, 52, 89	—	3
Hopewell	140–240	(*n.* 7)	Va., E.I. Wh.	175
Hornet	—	93	—	—
Horse Turd	—	—	—	—
Hosiander (or Osiander)	—	—	E. I.	6
Hospital	—	—	—	2
Hound	120	75, 79, 120	E. I.	16
Hour Glass	—	—	—	—
Humphry Bonaventure (or Humphrey)	—	—	—	8

[1] 'Guiannell.' Semble, Elizabeth Guyana.
[2] Or Good Hope.
[3] Ports 47, 61, 69, 93, 98, 150, 164.
[4] Or Pearl.
[5] Or Hopewell, Jacob Red Hart.
[6] Ports 16, 47, 75, 81, 85, 89, 93, 98, 107, 113, 114, 116, 154, 156, 162.
[7] Ports 3, 21, 39, 47, 57, 75, 79, 89, 93, 98, 99, 107, 113, 114, 116, 154, 156, 162, 189.

Name	Tons	Ports	Voyages	References
Hunter[1]	—	47, 93	—	—
Husband[2]	—	79, 93	Med. W. I.	41
Increase[3]	—	75, 93	—	5
Industry	350	—	—	3
Intelligence	—	93	—	2
Isaak	233, 267	24, 93, 150	—	13
Isabel	—	185	—	7
Isau	—	—	—	—
Ise	—	—	—	—
Jacob	218, 322	79, 93	Va., Wh.	15
Jacomin	—	—	—	2
James[4]	120	(*n.* 5)	Va., W.I.	—
Jane	—	(*n.* 6)	—	12
Jane and Margaret	—	—	—	3
Jane Bonaventure	187, 400	52	—	6
Jason[7]	140	—	—	6
Jennett, H.M.S.[8]	200, 500	—	—	—
Jennett (? Giaonato)	200	92, 155	Med.	7
Jerfalcon	—	93	—	18
Jewel	—	117	—	—
Joan[9]	100–260	(*n.* 10)	—	50
Joan and Anne	—	93	—	2
Joan (or John) Knott[9]	—	185	—	6
John[11]	100–150	(*n.* 12)	—	—
John and Barbara	—	—	—	—
John and Frances[13]	130–369	93, 126, 185	Va.	47
John and George	—	160	—	2
John and Humphrey	—	93	—	4
John and Philip	—	93	—	3
John and Sarah	—	93	—	2
John and Thomas	—	—	—	2
John and William	—	—	—	—
John Baptist[14]	—	93	—	6
John Bonaventure	150, 343	79	—	8
John Evangelist	—	186	—	—
John Smarte	—	—	—	—
John Snell	—	126	—	—
John Trelawny	—	126	—	—
John of Fortunes	—	—	—	—
Jonas	180, 260	20	E. I.	79
Jonas Fortune[15]	—	93	—	2
Jonathan	260–371	75, 79, 93, 126	Va.	64
Josan[16]	—	88, 93	—	7
Joseph	150	24, 93	—	14

[1] Or Sarah. [2] Or Southampton. [3] See Trade's Increase.
[4] See Royal James, Little or Lesser James.
[5] Ports 27, 32, 44, 47, 75, 79, 85, 89, 93, 102, 125, 126, 137, 155, 185, 191.
[6] Ports 44, 73, 77, 93, 106, 156, 162. [7] Or Josan, Angel Gabriel.
[8] Qy. see Add. 18666, f. 5, Stowe, 574, f. 13. [9] See Plain Joan.
[10] Ports 64, 79, 85, 93, 145, 146. [11] Or Little John, Amity, Elizabeth.
[12] Ports 6, 17, 19*a*, 23, 24, 25, 27, 30, 34, 44, 47, 58, 70, 79, 81, 89, 93, 96, 98, 105, 106, 114, 116, 119, 131, 142, 154, 155, 162, 192. [13] Or Thunder.
[14] See St. John Baptist. [15] Or Pilgrim. [16] See Jason.

Name	Tons	Ports	Voyages	References
Joseph Bonaventure	—	—	—	2
Joshua	—	—	—	—
Joshua Bonaventure	—	30[b],68,93,155	—	25
Josias	—	—	—	—
Joy	210	79, 93, 189	—	
Joyce	—	30*b*, 93	—	
Judith	—	(*n.* 1)	—	
. . . and Judith	—	—	Va.	—
Kate	—	39, 79, 155	—	3
Katherine [2]	—	(*n.* 3)	Va.	44
Katherine and Jane	315	47, 192	—	7
Kingsfisher	—	—	—	4
Knight	—	—	—	
Lacory	—	44	—	—
Lady Elizabeth	—	—	—	—
Lady of Conception	—	—	—	—
Lamb [4]	—	—	—	—
Lannarett	—	—	—	—
Lantore	—	—	E. I.	1
Lark	—	93, 192	—	7
Laurence	324	93	—	—
Lemon	250	98	—	3
Lesser James [5]	—	—	—	—
Lettice	—	150	—	—
Leveret	—	93	—	6
Lewis	—	—	—	—
Lewis Bonaventure	—	—	—	2
Lily	—	79	—	3
Lion, H.M.S.[6]	500–800	—	—	—
Lion	100–300	(*n.* 7)	Va., E. I.	69
Lioness	320	24, 85, 93, 137	—	26
Lion's Claw	—	93	—	28
Lion's Whelp, H.M.S.	—	—	—	23
Little Anne	—	69, 93	—	4
Little Darling	210	—	—	3
Little Dick [8]	—	—	—	—
Little Elizabeth	—	154	—	—
Little Francis	—	—	—	—
Little James	—	93	Va., E. I.	19
Little John	—	75, 88, 93, 155	S. A.	23
Little Katherine	—	—	—	—
Little Philip	—	—	—	—
Little Philip and John	—	—	—	—
Little Phœnix	—	—	Med.	—
Little Profit	—	—	—	—
Little Rose [9]	—	—	—	—
Little Richard	—	—	E. I.	—
Little Sapphir [10]	250	—	—	—

[1] Ports 68, 79, 93, 128, 143.
[2] Or Elizabeth.
[3] Ports 46, 47, 60, 93, 99, 162.
[4] Or Seahorse.
[5] See Little James.
[6] Or Red Lion; old Golden Lion.
[7] Ports 3, 30*a*, 39, 75, 79, 93, 113, 162.
[8] Or Dick.
[9] Or Richard.
[10] Or Golden Cock.

Name	Tons	Ports	Voyages	References
Little Susan	—	—	—	2
Little Thomas	—	79, 146	—	2
Lizard	—	164	—	—
Loblollypot	—	—	—	—
London	—	—	E. I.	—
London Bonaventure[1]	—	—	—	—
London Merchant	300, 450	93	—	4
Love	—	93	—	3
Love Us All	—	130	—	—
Loyalty	360	93	—	12
Luck	—	93	—	—
Lucretia	—	—	—	—
Lydia	—	93	—	4
Mackerel	—	—	—	2
Maid (or Maiden)	—	—	—	4
Makespeed	—	93	—	4
Mantle	—	—	—	15
Margaret[2]	100, 255	(*n.* 3)	Va.	105
Margaret and Andrew	—	—	—	10
Margaret and Anne	—	—	—	2
Margaret and James	—	120	—	—
Margaret and Joane	—	—	—	—
Margaret and John[4]	150, 250	(*n.* 5)	Va.	47
Margaret and Rose	—	—	—	—
Margaret and Sarah	—	—	—	—
Margaret Allen	—	—	—	—
Margaret Bonaventure	240	93	—	—
Margareta	—	—	—	4
Marigold[6]	100, 150	(*n.* 7)	—	63
Markwell	150–450	91*a*	—	2
Marmaduke	—	75	Va.	7
Martha	222–278	75, 79, 93, 155	—	24
Martha and Judith	205	93	—	4
Martine Friend	—	—	—	2
Martyn	—	68	—	—
Mary	—	(*n.* 8)	Va., W.I.	84
Mary and Anne	170	47	—	2
Mary and Ellen	—	47	—	—
Mary and James	—	—	—	—
Mary and Jane	—	—	—	—
Mary and Joan	—	3	—	7
Mary and John	184	(*n.* 9)	Va.	22
Mary and Katherine	—	—	—	—
Mary and Sarah	—	—	—	2
Mary and Thomas	—	—	—	2
Mary and William	—	—	—	—

[1] Or Sampson.
[2] Or James.
[3] Ports 2, 3, 10, 13, 24, 28, 36, 47, 54, 56, 61, 67, 75, 85, 89, 93, 102, 105, 130, 131, 137, 155, 158, 183.
[4] Or Black Hodge.
[5] Ports 93, 98, 113, 162, 185.
[6] Or Rose Lion.
[7] Ports 3, 7, 24, 64, 75, 79, 88, 93, 104, 108, 142, 143.
[8] Ports 3, 14, 23, 24, 37, 39, 44, 47, 59, 64, 93, 96, 100, 102, 106, 113, 117, 128, 140, 160, 185, 192.
[9] Ports 3, 70, 75, 93, 100*a*, 120, 155, 162, 192.

Name	Tons	Ports	Voyages	References
Mary Anne	180–290	(*n.* 1)	Wh.	76
Mary Anne Sarah	—	—	—	—
Mary Bonaventure	—	75, 98	—	2
Mary Chance	—	—	—	—
Mary Constance [2]	267, 300	24, 93, 113, 126	—	11
Mary Edward	190	—	—	2
Mary Flower [3]	—	—	—	—
Mary Fortune	150	3, 98, 113	—	5
Mary Grace	—	124	—	4
Mary James	—	3	—	3
Mary Jane	—	93, 106	—	5
Mary John	—	3, 192	—	2
Mary Katherine	—	3, 85, 93	—	11
Mary Magdalen	257	—	—	4
Mary Margaret	—	3, 93, 131, 163	Wh.	21
Mary Martine	—	—	—	2
Mary Providence	—	41	—	3
Mary Rose, H.M.S. (old)	600	—	—	—
Mary Rose, H.M.S. (new)	380	—	—	—
Mary Rose	237	(*n.* 4)	—	29
Mary Susan	236	60, 79, 93	—	10
Mary Thomas	—	47	—	—
Mary William	—	93	—	9
Matthew [5]	160–340	(*n.* 5*a*)	Wh.	49
Matthew and John	—	—	Med.	—
Matthew Bonaventure	—	93	—	6
Matthew's Farm [6]	200	—	Med.	2
Mauritius [7]	—	—	—	—
Mayflower [8]	151–300	(*n.* 9)	W. I., Va., E. I., Guinea, Med.	147
Meg (or Margaret)	—	10	—	—
Merchant Bonaventure	260	75, 93	—	8
Merchant Royal [10]	—	—	—	—
Merchants' Adventure	—	93	Med.	2
Merchants' Hope	300	—	E. I.	5
Mercurius	—	—	—	2
Mercury, H.M.S.	—	—	—	—
Mercury	—	—	E. I.	—
Merhonor, H.M.S.	800	—	—	4
Merlin (or Merlion), H.M.S.	—	—	—	—
Merlin	—	—	—	10
Mermaid	220	93, 128	—	12
Merman	—	93, 113	—	2
Michael	177	(*n.* 11)	—	7

[1] Ports 3, 10, 15, 18, 24, 39, 47, 93, 106, 133, 176*a*.
[2] Or Ann and George.
[3] See Mayflower.
[4] Ports 3, 93, 162, 180, 189.
[5] Or Martha.
[5a] Ports 70, 75, 79, 93, 98, 113, 154, 155, 160.
[6] Or Matthew.
[7] Or Dolphin.
[8] Or Dorcas, William and Joyce, Maggio Fiore; and see Robert.
[9] Ports 8, 13, 23, 24, 47, 57, 58, 61, 69, 72, 75, 79, 93, 94, 113, 145, 152, 156, 159, 163, 180, 185, 186, 192, 193.
[10] See Royal Merchant.
[11] Ports 90, 93, 106, 149, 155, 185.

Name	Tons	Ports	Voyages	References
Michael and Bernard	190	—	—	4
Michael Archangel	—	—	—	2
Michael Bonaventure	300	93	—	—
Milkmaid [1]	—	—	—	2
Milknapp [2]	—	—	—	17
Milton	—	—	—	—
Minion	280	24, 88, 93, 170	—	13
Minnikin	—	24, 93		3
Mistress	—	16, 93	—	5
Moon, H.M.S.	150	—	—	—
Moon	700, 800	93	E. I.	39
Morning Star	—	192	—	—
Moses	—	30	—	2
Mussumbegg	—	—	—	—
Nathan	200–300	79, 93	Va.	10
Nathaniel	—	93	—	—
Needall	—	138	—	—
Negro [3]	—	—	—	—
Neptune [4]	200–500	3, 93, 170	Va., W.I.	58
New Dainty, *see* Dainty	—	—	—	—
New Delight	—	—	—	—
New Moon [5]	—	—	—	—
New Year's Gift [6]	—	—	E. I.	10
Nightingale	300	(*n.* 7)	—	40
Noah	—	—	Va.	—
Nonsuch, [8] H.M.S.	636	—	—	8
Noye	—	93	—	2
Nra. Signora della Conception [9]	—	—	—	—
Old Cat	—	—	—	—
Old Ellen	—	—	—	—
Olive	264	93	—	2
Olive Branch	—	79	—	2
Onuze [10]	—	—	—	—
Onyx	—	93	—	2
Orange	—	—	E. I.	—
Orange Tree [11]	—	—	—	8
Original	—	—	—	—
Osiander, *see* Hosiander	—	—	—	—
Osprey	—	3	—	—
Ounce	—	—	—	—
Owl	—	—	E. I.	3
Owner	—	—	—	—
Pege	—	—	—	2
Pansy (Pauncis)	180	—	—	2
Palsgrave	—	—	E. I.	9
Paradise	—	—	—	2

[1] Or Gift of God. [2] Or Gift, or Grace of God. [3] Or Negar, Africa.
[4] Or White Dove. [5] See Moon. [6] Or Gift.
[7] Ports 37, 47, 79, 93, 102, 126, 155, 156.
[8] Old Sanspareil, Nonpareil. [9] Or Consolation. [10] ? Ormuz, Onyx.
[11] Or Rainbow.

Name	Tons	Ports	Voyages	References
Paragon	200	89, 93	W. I.	26
Patience	140	24, 93, 113	Va., Wh.	51
Patient Adventure	221	—	—	—
Patrick	—	89, 131	—	2
Paul	—	79, 85, 93, 114	—	22
Peacock	—	—	—	5
Pearl [1]	180, 450	66, 93, 126, 154, 185	Med. E. I.	58
Peecard	—	—	—	—
Pegasus	—	—	—	—
Pelican	—	—	—	—
Pelican	194	(*n.* 2)	—	29
Penelope	over 100	93	W. I.	39
Penitent (or Penitence)	—	93	—	2
Pentecost	—	—	—	—
Peppercorn	250	—	E. I.	14
Percy (Peirce, Pearse, Perce)	—	—	—	7
Peregrine	200, 240	93	—	11
Pericles	—	93	—	—
Peter	—	(*n.* 3)	—	78
Peter and Andrew	—	93	—	7
Peter and John	—	—	—	—
Peter and Mary	—	—	—	—
Peter and Robert	—	—	—	—
Peter Bonaventure	213, 400	47	Va.	7
Peter Lorenzo	—	—	—	—
Petty France	—	—	—	2
Petty Portion [4]	—	126	—	—
Philip	—	13, 49, 93, 117	—	20
Philip and Francis	—	—	—	5
Philip and Henry	—	—	—	—
Philip and John [5]	—	—	—	24
Philip and Mary, H.M.S.	800	—	—	—
Philip Bonaventure	—	47	—	9
Philomela	—	37	—	—
Phœnix, H.M.S.	250	—	—	—
Phœnix [6] (*see* Little Phœnix)	151–360	(*n.* 7)	Va.	126
Pilchard	—	172	—	2
Pilgrim	200	93, 130	—	15
Pinnace	—	—	—	—
Plain Joan [8]	—	93, 98	—	18
Plantation	—	—	—	2
Planter	—	93	—	2
Pleasure	144, 310	(*n.* 9)	—	27
Plemua [10] ?	—	—	Med.	—
Pliant	—	93	—	—
Plough	—	190	W. I.	7
Pollard	—	69	—	—
Poor Man's Plough	—	126	—	—

[1] Or Benjamin Bonaventure, Harvest, Flowers of Comfort.
[2] Ports 13, 26, 74, 75, 93, 109, 154, 155.
[3] Ports 23, 26, 47, 50, 58, 93, 104, 110, 125, 171.
[4] See Portion.
[5] Or James.
[6] Or Blessing, Fynes, Fenix.
[7] Ports 7, 75, 81, 93, 96, 113, 117, 120, 126, 130, 163, 172, 180.
[8] Or Joan.
[9] Ports 13, 24, 75, 88, 93, 98, 126, 170.
[10] S. P., Ven. Cal. 1604, p. 154.

Name	Tons	Ports	Voyages	References
Porcupine[1]	—	57	—	7
Portion	180	104, 126	—	5
Post	—	6, 61	—	8
Praine[2]	—	22	—	—
Primrose, H.M. hoy	—	—	—	—
Primrose	180–360	*n.* 3)	Va., E.I., W. I.	40
Prince Royal, H.M.S.[4]	1200	—	—	19
Priscilla	—	93, 113	—	10
Prophet Daniel	—	—	—	—
Prospect	—	93	—	4
Prosperity	—	93	—	—
Prosperous	200, 288	(*n.* 5)	Va.	65
Prosperous Joan	288	93	—	4
Providence	391	(*n.* 6)	Va.	40
Prudence	350, 460	79, 88, 93	—	27
Prymsaile	—	—	—	—
Pye	—	150	—	3
Quince	—	155	—	—
Quittance (or Acquittance), H.M.S.	200	—	—	14
Rachael	—	2	—	5
Rabuca (? Rebecca)	—	—	Med.	—
Rainbow, H.M.S.	650	—	—	—
Rainbow[7]	—	2	Wh., E.I.	26
Raven	160	93	—	6
Rebecca[8]	320	79, 93	—	12
Recompense	—	185	—	—
Record	—	93	—	—
Recouser (? Recovery)	—	—	—	—
Recovery	—	24	—	9
Red Dragon, *see* Dragon	—	93	—	—
Red Hart	—	2, 113	—	10
Red Lion, H.M.S.[9]	650	—	—	—
Red Lion	—	93	—	20
Red Rose	—	93	—	—
Redemption	—	24	—	2
Reformation, H.M.S., *see* Constant Reformation	—	—	—	—
Reformation	—	—	E. I.	3
Refuge	312	69	—	2
Refusal	188	160	—	17
Relief	—	—	E. I.	—
Remember	—	113	—	—
Repentance	—	—	—	2
Repulse	—	—	—	—
Request	—	47	—	3
Requital	—	185	—	2
Rescue	—	—	—	—

[1] Or Porcupigg, Hopewell.
[2] Or Matthew.
[3] Ports 23, 43, 47, 69, 75, 79, 93, 126, 189.
[4] Or Prince.
[5] Ports 44, 62, 79, 93, 126, 130, 189, 192, 193.
[6] Ports 29, 39, 69, 79, 85, 93, 101, 131, 146, 155, 169, 180.
[7] Or Grace, Grace of God.
[8] Or Confidence.
[9] Old Golden Lion, *q.v.*

Name	Tons	Ports	Voyages	References
Resistance	210, 229	93	Med.	7
Resolution	—	—	—	2
Restitution	—	44	—	3
Restore	130, 160	—	—	2
Return [1]	216	(*n.* 2)	Va.	23
Rhenera Goderina [3]	—	—	—	2
Richard [4]	—	(*n.* 5)	Va., W.I.	44
Richard and Bernard	—	—	—	—
Richard and John	—	37, 58	—	6
Richard Bonaventure	170	93	—	4
Richard Dove [6]	—	93	—	—
Robert [7]	150–318	(*n.* 8)	E. I.	29
Robert and Anne	—	—	—	—
Robert and George	—	—	—	3
Robert and John	300	3, 39, 93	—	10
Robert Bonaventure	300	69, 93	—	5
Roebuck	300	50, 93, 139	E. I.	22
Roger	—	5, 142	—	5
Roquan	—	—	—	—
Rose	100–348	(*n.* 9)	E. I.	38
Rose and Katherine	—	—	—	—
Rose Anne	—	79	—	—
Rose Lion	240	3, 39, 49, 93	—	4
Rosemary	—	170	—	—
Rotten Apple	—	—	—	—
Rowland	—	—	—	—
Royal	—	89	—	3
Royal Anne, H.M.S., *see* Anne	800–1057	—	—	—
Royal Ark, *see* Ark	—	—	—	—
Royal Defence	304	93	—	10
Royal Exchange	400, 457	93	E.I., Med.	31
Royal Graunt	—	93	—	—
Royal, or Great, James	1320	—	E.I.	26
Royal Merchant [10]	400–580	75, 93	E.I., Med.	37
Royal Prince, *see* Prince	—	—	—	—
Ruby	222	93	E.I.	7
Sacra (? Sarah)	—	—	Med.	—
St. Andrew, H.M.S.	900	—	—	16
St. Andrew	—	93	—	—
St. Ann	—	—	—	4
St. Anthony	—	—	—	15
St. Augustine	—	—	—	—
St. Christopher	—	150	—	—
St. George, H.M.S.	500, 895	—	—	—
St. George [11]	200	—	—	14
St. Hubert [12]	—	—	—	2
St. Jacob	—	114	—	5
St. Jago	—	—	—	2
St. James	—	—	—	—
St. John	—	—	—	11

[1] Or Elizabeth, Susan. [2] Ports 93, 96, 126, 185, 189. [3] Captured by pirates.
[4] And see Little Richard. [5] Ports 13, 22, 37, 44, 93, 117, 126, 185. [6] Or Advantage.
[7] Or Mayflower. [8] Ports 18, 39, 44, 47, 50, 75, 79, 89, 93, 113, 155, 170.
[9] Ports 45, 47, 89, 93, 113, 185, 189. [10] New and Old. [11] Or Fortune.
[12] Or Golden Calf.

Name	Tons	Ports	Voyages	References
St. John the Baptist	—	—	—	15
St. Maria	—	—	—	3
St. Mary	—	152	—	3
St. Matthew, H.M.S.	1000	—	—	4
St. Michael	—	—	—	3
St. Nicholas	—	93	—	—
St. Paul	—	—	—	—
St. Peter [1]	—	—	—	2
St. Peter Bonaventure	—	93	—	—
Saker	—	93	—	3
Salamander	180	24, 88, 93, 113	Med.	17
Salem [2]	—	—	—	—
Salmon	275	3	—	—
Salutation	—	91*a*	—	—
Salvador	—	—	—	6
Samaritan	250,300	13, 44, 93, 145	E.I., Wh.	52
Sampson [3]	168,180	93, 154, 191	Va., E.I.	32
Samuel	239–371	93, 98, 113, 141	Va., E.I. Wh.	49
Samuel and James	—	79	—	—
Sanctuary	—	—	—	—
Sapphire [4]	305	93	—	12
Sarah, *see* Sacra	—	93	Va., Wh.	30
Sarah Bonaventure	200	—	—	—
Sarah and Joan	—	93	—	2
Sarah and John	—	93	—	—
Saltea [5]	—	162	—	2
Saucy Jack	—	162	—	—
Saviour	—	—	—	—
Scout, H.M.S.	120	—	—	—
Scout	—	—	E.I.	3
Sea Adventure	—	—	E.I.	3
Seabright	—	—	—	—
Seacock	—	—	—	2
Sea Elfin [6]	—	—	—	4
Seaflower	100–200	(*n.* 7)	Va.	81
Seahorse [8]	—	89, 93, 166	—	—
Sea Hound	—	—	—	2
Sea Knight	—	93	—	—
Sea Mew	—	—	—	—
Sea Venture	226–300	3, 93, 120, 126	W. I.	42
Sea Wolf	—	—	—	—
Secours (? Seacourt)	—	—	—	2
Sempervive	—	—	—	2
Seraphim	—	55, 93	Va., Med.	20
Seven Stars, H.M.S.	100, 140	—	—	—
Shellfish	—	—	—	—
Shilling	—	—	—	2
Sibil	—	69	—	—
Signet	220	93	—	2
Silver Falcon	—	—	Va.	9

[1] Or Jane.
[2] Or Mary.
[3] Or Defiance.
[4] Or Defiance.
[5] Or Mary, or Mary and John.
[6] Alfin, Olfin, Orphan, Sealfin.
[7] Ports 3, 39, 44, 47, 68, 69, 75, 142, 162.
[8] Or Thomas.

Name	Tons	Ports	Voyages	References
Simon and Andrew	—	—	—	—
Simon and Jude	—	—	E. I.	2
Slut [1]	—	—	—	3
Snapper	100	—	—	—
Snœcke	—	—	—	—
Solomon [2]	170–350	7	E. I.	42
Southampton	230, 340	93, 96	—	28
Sowe	—	—	—	2
Spark	—	155	—	8
Speedwell,[3] H.M.S.	400, 656	—	—	—
Speedwell	—	10	Va., E. I.	75
Sparrow	—	—	E. I.	—
Sperance (or Hope)	—	—	—	—
Spirito Sancto	—	—	—	—
Sprite (Spritt)	—	—	—	—
Spy, H.M.S.	—	—	—	—
Spy	—	154	E. I.	13
Star [4]	300, 367	75, 93	Va., E. I.	31
Stowser	—	128	—	—
Sturgeon	—	—	—	—
Subject	286	93	—	—
Success	—	—	Va.	2
Sun, H.M.S.	40	—	—	—
Sun [5]	250	17, 93	E. I.	21
Super Latina	—	—	—	—
Supply	183	93	Va., E.I.	7
Susan [6]	232–400	(*n.* 7)	Med.	86
Susan and Ellen	253	—	—	2
Susan and John	—	—	—	—
Susan Bonaventure	—	93	—	18
Susan Constance [8]	100	93	—	27
Susan Parnell [9]	—	93	—	5
Susanna	—	24, 93	—	2
Swallow, H.M.S.	330, 500	—	—	—
Swallow	—	113, 128, 142	E. I.	16
Swan [10]	100–569	(*n.* 11)	Va., E. I.	70
Sweepstake	—	—	—	2
Sweetheart	—	93	—	—
Swift	—	—	—	2
Swiftsure, H.M.S., *see* Speedwell	—	—	—	—
Swiftsure	—	—	—	4
Talbot [12]	260, 305	44, 93, 170	—	28
Temperance	—	93	Va.	5
Thomas [13]	100	(*n.* 14)	E. I., Med.	96
Thomas and Francis	—	—	—	—
Thomas and George	—	—	—	2

[1] Or Castle. [2] Or Husband, Salomon. [3] Old Swiftsure.
[4] Or William and Ralph, Jason. [5] Or Loyaltie. [6] Or Olive, or Return.
[7] Ports 13, 17, 18, 20, 24, 69, 79, 93, 98, 142, 181, 189.
[8] Or Constant. [9] Or Elizabeth Felix. [10] Or Paradise.
[11] Ports 13, 39, 61, 78, 89, 93, 96, 120, 127, 155, 192.
[12] Or Dolphin. [13] Or Flying Cow.
[14] Ports 3, 26, 39, 79, 88, 89, 93, 96, 100*a*, 103, 106, 113, 114, 126, 138, 142, 146, 150, 152, 155, 160, 192, 194.

Name	Tons	Ports	Voyages	References
Thomas and John	—	69, 93	—	2
Thomas and Richard	—	—	—	—
Thomas and William	—	93	—	7
Thomas and William Bonaventure	200	—	Med.	22
Thomas Bonaventure	200	—	—	11
Thomasine	280	44, 79, 93, 128	E. I., Med.	44
Thunder	—	—	—	—
Tide, H.M.S. [1]	—	—	—	—
Tiger, H.M.S.	200	—	—	—
Tiger (or Tiger's Whelp)	240–400	24, 93	Va., E. I., Wh., Med.	43
Time	—	79	—	3
Timothy [2]	200, 240	3, 91, 93	—	2
Tobias	264	79, 103	—	4
Toby	—	69, 113	—	16
Tom	—	—	—	—
Trades Increase	1,100	—	E. I.	11
Tramontaine, H.M.S.	165	—	—	14
Transport	—	—	—	16
Treasure	—	88, 93	—	13
Treasurer	—	—	Va., W.I.	16
Trial	160-338	(*n.* 3)	Va., E.I., Med.	34
Tridesea	—	—	—	—
Trifle	—	—	—	6
Trinity	—	2, 38, 91*a*, 93, 177	—	21
Trinity and John	—	—	—	—
Trinity Anderson [4]	—	—	—	3
Triumph, H.M.S.	1,000 1,300	—	—	—
Triumph	—	93	Med.	17
Trojan	205	93	—	—
Trow	—	—	—	
True Dealing	194	93	—	10
True Labourer	—	55	—	—
True Love	205–360	(*n.* 5)	Va.	51
Turtle Dove	—	93	—	—
Ulysses	280	93	W. I., Med.	16
Unicorn	150, 234	(*n.* 6)	E. I.	40
Union	400	93	E. I.	5
Unity [7]	182, 212	(*n.* 8)	Va., E.I., Wh.	37
Ursula	—	93, 130	—	8
Valentia	—	—	—	2
Valentine	—	75, 179	—	6

[1] In Monson's List, Nav. Rec. Soc. (Monson), ii. 235.
[2] Or Judith.
[3] Ports 3, 18, 44, 75, 79, 93, 113, 192.
[4] Or Staper.
[5] Ports 3, 51, 69, 75, 79, 93, 155, 176*a*, 185.
[6] Ports 2, 3, 24, 61, 88, 92, 93, 103, 120.
[7] Or Aime.
[8] Ports 3, 75, 79, 81, 88, 93, 128, 185.

Name	Tons	Ports	Voyages	References
Vanguard, H.M.S.	500–832	—	—	22
Vantage	—	93	—	—
Venera	—	—	—	—
Venture	218	—	—	—
Verity	—	151	—	—
Victory, H.M.S.[1]	820	—	—	12
Victory	—	—	—	—
Vine	—	93	—	3
Vineyard	140–226	69, 73, 88, 93	—	37
Violet	245	(*n.* 2)	Med.	27
Virgin	280	93, 126	—	8
Virginia	—	—	W.I.	—
Volatilia, H.M.S.	100	—	—	—
Wagon	—	93	—	7
Walthawe (? Waltham)	—	—	—	2
Warspite, H.M.S.	600	—	—	4
Warwick	160	93	Va.	4
Water Plough	—	—	—	—
Watt	—	47, 93	—	5
Welcome	232	93	E. I.	7
Well Met[3]	—	54, 126, 170	—	4
Whale	—	—	E. I.	13
Whelp	—	—	—	—
White Anchor	—	—	—	—
White Bear,[4] H.M.S.	900	—	—	13
White Bear, *see* Bear	—	—	—	—
White Dog	—	—	—	2
White Dove	—	147	—	3
White Greyhound	—	—	—	4
White Horse	—	—	Med.	—
White Lion	180	—	Va.	6
White Rose	—	79, 113	—	
White Sun	—	—	—	—
White Swan	—	24	—	3
Why Not I	—	—	—	—
Willamott (? Well Met)	—	—	—	—
William	198–303	(*n.* 5)	E. I.	81
Williams	—	—	—	—
William and Francis	—	93, 160	—	2
William and Giles Bonaventure	—	—	—	—
William and Harry	—	—	—	2
William and James	—	26	—	4
William and Joan[6]	—	93	—	8
William and John[7]	250, 262	(*n.* 8)	Va.	41
William and Joyce[8]	—	93	—	—
William and Ralph	—	93	—	5
William and Robert	—	93	—	2

[1] Or Victor.
[2] Ports 18, 47, 51, 67, 79, 93, 98, 106, 155, 163, 190.
[3] Or Wilmott, Willamott.
[4] Or Bear; old Merchant Royal.
[5] Ports 7, 18, 26, 27, 30, 39, 44, 58, 67, 75, 79, 85, 88, 89, 93, 98, 101, 102, 106, 120, 125, 126, 131, 142, 146, 151, 155, 160, 192.
[6] Or William and Francis.
[7] Or James.
[8] Ports 11, 39, 47, 58, 79, 93, 119, 155, 184*a*, 192.
[9] See Mayflower.

Name	Tons	Ports	Voyages	References
William and Thomas [1]	240	89, 93	Med., Va., S.A.	27
William and Thomas Bonaventure	—	—	—	—
William and Thomasine	188	—	—	—
William Bonaventure	240	—	—	7
William Fortune	—	—	—	—
Willing Mind	—	61, 154	—	5
Wren	—	154	—	—
Yonker	—	—	—	—
York Bonaventure	—	75	—	2
Young Moses	—	—	—	—
Young Prince	—	—	—	—
Young Unicorn	—	93	—	—
Zabulon	—	24	—	—
Zion (Sion)	—	93	—	8
Zouch Phœnix	280–360	—	—	8

[1] Or Charity.

III.—List of Ports.

In connection with the preceding List of Ships.

The ports to which the ships belonged number about 200; a list of them, with the number of ships described as belonging to each, is given below. These numbers are arrived at by reckoning each name as one ship; but for the reason stated above, namely the frequent use of certain names, this mode of reckoning understates the number of ships belonging to the larger ports.

List of Ports.

Ports	Ships	Ports	Ships	Ports	Ships
1. Aberdeen	1	32. 'Cattesbridge'	1	64. Gillingham	5
2. Aberthawe	5	33. Catwicke	1	65. Glasgow	1
3. Aldeburgh	36	34. 'Chenton'[5]	1	66. Gosport	3
4. Alt	2	35. Chepstow	1	67. Gravesend	5
5. Althorne	1	36. Chester	3	68. Guernsey	5
6. Anstruther	4	37. Chichester	7	69. Harwich	36
7. Arundel	6	38. 'Clantarf'	1	70. Hastings[8]	4
8. Ayr	1	39. Colchester	20	71. Hecham	1
9. Baltimore	1	40. Coleraine	1	72. 'Helbree'	3
10. Barking	4	41. Cork[6]	1	73. Helford	5
11. Barling	3	42. 'Cowden'	1	74. 'Howsam'	2
12. Barmouth[1]	1	43. Dartford	2	75. Hull	50
13. Barnstaple	16	44. Dartmouth	24	76. Hullbridge	2
14. Barry	2	45. Devon	1	77. Hythe	1
15. Benfleet	3	46. Douglas	1	78. Ilfracombe	1
16. Bideford	2	47. Dover	37	79. Ipswich	76
17. Blakeney	2	48. 'Draycloth'	1	80. Jarrow	2
18. Boston[2]	8	49. Dublin	4	80*a*. 'Justowe'	1
19. Bradwell	1	50. Dundee	8	81. Jersey	10
19*a*. Brampton	1	51. Dunwich	1	81*a*. Kinghorne[9]	1
20. Braunton	4	52. Dysart	7	82. Kingston	2
21. Bridgewater	4	53. Emsworth	1	83. Kingswear	1
22. Bridlington	3	54. Exeter	4	84. Kinsale	2
23. Brighton[3]	11	55. Exmouth	1	85. Kirkcaldy[10]	14
24. Bristol	37	56. Fairlie[7]	1	86. Langston	2
25. Broadstairs	4	57. Falmouth	3	87. Leape	2
26. Burnham	8	58. Faversham	11	88. Leigh	21
27. Burnt Island	6	58*a*. 'Feckham'	1	89. Leith	32
28. Caerleon	1	59. Flamborough	1	90. Lewes[11]	1
29. Canewdon	1	60. Fobbing	1	91. Limehouse	3
30. Cardiff	3	61. Fowey	13	91*a*. Liverpool	2
30*a*. Carmarthen	1	62. Galloway	3	92. 'Lodwicke'	1
30*b*. Carnarvon	1	63. Galway	1	93. London	344
31. Carron[4]	1			94. Londonderry	1

[1] ? 'Bermoe.' [2] ? 'Boriston.' [3] 'Brethempsted.' [4] 'Carrell.'
[5] ? Renton. [6] 'Coricke.' [7] 'Farlye.' [8] ? Hastowe.
[9] 'Kinggorne.' [10] 'Kircady,' 'Carcady.' [11] 'Mechinge,' 'Michinge haven.'

Ports	Ships	Ports	Ships	Ports	Ships
95. Looe . .	2	128. Poole . .	19	162. Southamp-ton[14] .	7
96. Lyme . .	17	129. Portishead[13]	1	163. Southwold .	9
97. Lymington .	2	130. Portsmouth	13	164. Stonehouse	1
98. Lynn . .	20	131. Preston . .	7	165. Stroud . .	1
99. Maidstone .	4	132. Preston-pans[14] .	1	166. Sunderland	2
100. Malahide .	1	133. Prittlewell .	1	167. Tenham .	1
100*a*. Maldon .	3	134. Purbeck .	1	168. Tetney . .	1
101. Manning-tree .	1	135. Purfleet . .	1	169. Tollesbury .	1
102. Margate .	10	136. Queen-borough .	1	170. Topsham .	7
103. Middles-borough .	5	137. Queensferry	1	171. Torquay .	1
104. Milbrook .	9	138. Rainham .	3	172. Tralee[19] .	1
105. Milford . .	3	139. Ratcliff[15] .	1	173. 'Tredaugh'	1
106. Milton . .	16	140. Ribble . .	1	174. Tregony .	1
107. Milwall . .	1	141. Ripe . .	1	175. Tunbridge .	1
108. 'Minatt' .	2	142. Rochester .	15	176. Vange . .	1
109. 'Minion' .	1	143. Rochford .	1	176*a*. Walbers-wick .	2
110. Montrose .	3	144. Rotecliffe .	1	177. Wallasea[20] .	—
111. Neath . .	1	145. Rotherhithe[16]	3	178. Wallasey .	1
112. Nacton . .	1	146. Rye . . .	9	179. Wapping .	1
113. Newcastle .	42	147. St. Andrews	3	180. Waterford .	3
114. Newhaven .	15	148. St. Giles .	1	181. Wells . .	5
115. Newhythe[12]	1	149. St. Mawes[17]	1	182. Westbourn .	1
116. Newport .	5	150. St. Osyth .	8	183. West Leigh[21]	2
117. Northam .	5	151. Salcombe .	3	184. Wexford .	1
118. Northfleet .	2	152. Salcott . .	3	184*a*. Weybridge .	1
119. Oare . . .	3	153. Salisbury .	1	185. Weymouth .	20
120. Orford . .	12	154. Saltash . .	13	186. Whitby . .	4
121. Orestone, 'Osson'	2	155. Sandwich .	30	187. Whitstable .	1
122. Padstow .	1	156. Scarborough	5	188. Wight . .	3
123. Penarth . .	1	157. Scilly . .	1	189. Woodbridge	27
124. Penzance .	1	158. Scotland .	1	190. Woolwich .	2
125. Pittenweem	5	159. Shoebury .	1	191. Worthing[22]	2
126. Plymouth .	47	160. Shoreham .	7	192. Yarmouth .	32
127. Polruan .	1	161. Sitting-bourne .	1	193. York . .	3
				194. Youghal .	1

[12] 'Newhide.' [13] 'Portisicke.'
[14] 'Preston pond.' [15] Redcliffe.
[16] 'Redrith.' [17] 'St. Merryn'; ?St. Mennans. [18] 'Hampton.'
[19] ?'Treligh. [20] 'Wallesye.' [21] ?'Westlye.' [22] ?'Workham,' 'Worcom.'

IV.—Table of References.

ARCHANGEL: sailed to Guiana and the West Indies. At Gennico (? Gonave) Island she captured a Spanish ship. The prize was brought to England, where she was claimed by the Spanish ambassador. On board were 'great store of their bullets chawed in their mouthes, contrarie to the lawe of Armes, being a thing unlawfull in martial assaults, in regard it poysoneth the bodie of anie man that is wounded':

Lib.[1] 76, Nos. 42, 45, 101.

COCK OF AMSTERDAM: captured by Dunkirkers in English territorial waters, arrested by Admiralty court, and restored to her owners:

Lib. 71, No. 142. Cf. the 'St. Anne' captured in Harwich harbour, Hist. MSS., Buccleugh papers, vol. 1, p. 60.

DESTINY: Sir Walter Raleigh's ship on his last voyage; upon his fall she was taken into the Royal Navy and her name changed to the 'Converte' or 'Convertine.' She was one of the ships in the expedition to Algiers in 1620:

Lib. 79, No. 117; Acts 29, 15 March 1616; Warr. Bk. 13, 24 Aug. 1618; Exam. 43, 8 Oct. 1621; Exch. Warr. for Iss. 148; S.P. Warr. No. 64; S. P. Dom. cxxii. 39; ib. 106, pp. 116, 173, 186; S.P. Dom. 10 Sept. 1620, 21 July and 24 Oct. 1622; 18 Nov. 1623; S.P. Ireland, 1624; Harl. 354, f. 89; Add. MSS. 15750; Hist. MSS. Com. 12 Rep. App. pt. 1, pp. 101, 161; Camden Ser. Lord Carew's Letters.

DISCOVERY (or 'Hopewell' or 'Good Hope'): Hudson's ship on his last voyage; Baffin also sailed in her:

Lib. 71, No. 69 ('Hopewell'); Exam. 38, 15 and 18 Nov. 1606; Oy. and Ter. 6, Nos. 2, 77; Oy. and Ter. 41, 7 Feb. 1616, 13 May 1617; Exam. 42, 25 Jan. 1611, trial of some of the crew for the murder of Hudson; Warr. Bk. 13, 5 Feb. 1621; Hist. MSS. 8 Rep. App. 236;

[1] The references to Libels, Examinations, Acts, Warrant Books, Miscellanea, Oyer and Terminer, Interrogatories, Exemplifications are to those series of the records of the High Court of Admiralty. The folios of these records being seldom numbered, the date (old style) of the document is given to facilitate reference.

S.P. Col. East Ind. 1617–1625 ; S. P. Col. Amer. III. 35 ; Add. MSS. 24934, ff. 136, 138, 275 ; Add. MSS. 2123, f. 176 ; Letter Book, East Ind. Co. 1600–1619 ; Hakl. Soc. voyages to North West ; ib. Baffin, Hudson, Lancaster, Knight, and Danish voyages ; Dawn of British Trade to East Indies, pp. 211–242 ; Purchas' Pilgrims.

DRAGON : formerly the Earl of Cumberland's 'Malice Scourge,' S.P. Col. East Ind. cal. 1613–1616, p. 114 ; captured by the Dutch at Tiku in Sumatra, 1 Oct. 1619, Exam. 43, 13 June 1620 ; S. P. Col. East Ind. passim. Other references to her are :

Lib. 71, No. 102 ; Lib. 80, No. 130 ; Exam. 43, 10, 12, 13 June, 12, 19, 27 Oct., 8 and 10 Nov. 1620, 2, 15, 17 Jan. 1621, 1 June 1622 ; Exam. 44, 18 Feb., 12 March, 1622 ; Exam. 108, 11 Feb. 1606 ; Letters &c. East Ind. Co. passim ; in company with the 'Hector,' the 'Ascention,' and the Dutch ship 'Lamb' in 1601 or 1602 she captured the Portuguese 'St. Anthony,' Lib. 70, Nos. 250, 251 ; Exam. 36, 7 Jan. 1603.

Other Dragons were, the 'Golden Dragon,' an interloper on the Muscovy Co. ; a 'Dragon' hired by the Duke of Venice ; a 'Dragon' (? same ship) sunk at Zante ; a 'Dragon' of John Exton, pirate, formerly a Spanish carvel ; a 'Dragon' belonging to Sir Thomas Sherley ; a 'Dragon' of Dartmouth : a 'Dragon,' als. 'Bevis' ; and a 'Dragon' of 400 or 450 tons also in the East India Company's service and intended for the king of Persia, but (1625) pressed for the king of England's service.

ELIZABETH : of Hull, a whaler ; Richard Gatenby commanded her :

War. Bk. 13, 20 Sept. 1614.

FALCON : in Virginia in 1620 commanded by Capt. Thomas Jones, who has been confused with Christopher Jones, master of the Pilgrim Fathers' 'Mayflower' (see the 'Mayflower' and the 'Lion' below) :

Lib. 77, No. 177 ; Lib. 80, ad med. ; Lib. 81, No. 8 ; Exam. 43, April to June, 1621 ; Exam. 109, 10 July 1621 ; Warr. Bk. 13, 20 Ap., 26 Oct. 1621 ; Interr. 6, No. 135 ; Miscell. 1127.

GARLAND : lost at Bermuda on a voyage to Virginia in 1619 ; amongst the papers are the commission to William

Wye, her master, and a letter from the Virginia Company to Sir George Yardley:

Lib. 80, Nos. 121, 122, 126, 127, 131; Lib. 81, Nos. 212 to 216, 256, 287, 339, 340; Oy. and Ter. 41, 31 March 1620; Interr. 6, Nos. 76, 108, 140, 156; Exam. 43, 25 Ap., 4, 10, 11 May, 14 July 1620, 8 and 9 May, 1622, &c.; Warr. Bk. 15, 16 Aug. 1624; Miscell. 1127.

GEORGE: a whaler; Thomas Edge signs a deposition:

Exam. 109, 19 Feb. 1619, 26 May 1620.

GIFT OF GOD: set forth by Sir John Popham to Virginia in 1608:

Lib. 73, Nos. 274, 279; Interr. 6, ad med.; Exam. 39, 10, 15 and 18 June 1608.

GRISSELL: voyage to Bermuda; she was set forth by Lord Cavendish and others to discover 'a goulden island' known to Zechariah Wetezon, a Dutchman:

Exam. 103, 10 Oct. 1613, 7 June 1614; Oy. and Ter. 41, 18 Dec. 1615; Interr. 6, Nos. 198, 209.

HUSBAND: was in company with the 'Seraphim' at Tunis about 1607. John Powntis, her master, there bought goods out of the 'Rhenera Sodorina,' a Venetian prize of John Ward, the pirate. The Venetian ambassador sued Powntis and Pearce, master of the 'Seraphim,' and recovered sentence for the value of the goods:

Lib. 73, Nos. 176, 259, 264 to 273, 292.

LION: commanded by Captain Thomas Jones (see 'Falcon,' above) in the East Indies:

Lib. 79, No. 60; Oy. and Ter. 41, 12 and 13 Jan. 1618 (Jones' signature); Acts 29, 19 and 27 Ap. 1619; Warr. Bk. 13, 4, 23 Ap., 26 Oct., 23 Nov. 1621.

LITTLE JAMES: relieved the 'Plymouth' (New England) colonists in 1623; claim for wages by two of the crew:

Lib. 82, Nos. 27, 28, 96, 124; Interr. 6, Nos. 16, 28; Warr. Bk. 15, 8 Nov. 1624; Exam. 44, 17 and 20 Nov. 1624; Exam. 110, 27 Nov. 1624; letter of William Bradford and Isaac Allerton, Miscell. 1142.

LITTLE JOHN (or JOHN, or AMITIE): of Sandwich: voyage to St. Thomé and the Orinoco in 1611:

Lib. 75, Nos. 29, 67, 150, 156; Lib. 76, Nos. 60, 75; Exam. 42, 25, 26, 28 March, 5 Feb. 1611; Exam. 109, 17 Feb. 1611; Oy. and Ter. 40, 25 March, 8 and 9 Ap. 1612; Interr. 6, ad med.; Interr. 6, Nos. 291, 297, 309; Miscell. 952.

MATTHEW: a whaler, at Cherrie Island in company with the 'Mary Margaret' in 1608; account of the discovery of the island in 1603:

Exam. 40, 4, 14, 22 Oct. 1609; set out by Roger Jones, Exam. 108, 6 Oct. 1609.

MAYFLOWER: the Pilgrim Fathers' ship.[1] None of the following documents relate to the voyage of 1620, but they contain facts relating to the ship from 1609 to 1624, or perhaps 1626:

Lib. 73, Nos. 27, 37, 69, 91 to 94, 109; Lib. 74, Nos. 60, 125; Lib. 75, Nos. 143, 250; Lib. 79, No. 120; Lib. 82, No. 167; Acts 27 and 28, passim; Acts 29, f. 253; Acts 30, f. 227; Oy. and Ter. 40, 11 May 1612; Interr. 6, ad med. (3); Exam. 40, 9 Dec., 29 Jan. 1609 &c.; Exam. 41, 1 March 1609, 18 May, 18 June 1610 &c.; Exam. 42, 4 and 7 May 1612, &c.; Warr. Bk. 12, 30 Nov., 2, 9, 10 Dec. 1609, 6 March 1610; K.R. Customs $\frac{9}{8}$.

MOON: Sir Thomas Dale died on board her, in the East Indies. Lady Elizabeth Dale sues Thomas Jones and Robert Owen (Dale *c.* Jones) for his effects. Inventory of goods and will:

Lib. 80, Nos. 4, 21, 22; Lib. 81, Nos. 156, 310; Exam. 109, 25 Nov., 13 Feb. 1621, &c.; Exam. 110, 17 July, 8 Oct. 1622, &c.; Exam. 43 30 Sept., 31 Dec., 9 Feb. 1621, and 7 May, 27 June, 5 July 1622; Interr. 6, Nos. 107, 126 to 133, 161, 168.

NEPTUNE: *see* 'Treasurer.'

PRIMROSE: in company with the 'Ulysses' to the West Indies in 1608; Sir Walter Raleigh mentioned:

Oy. and Ter. 40, 1 May 1609.

[1] See 'The Mayflower,' *Eng. Hist. Rev.*, October 1904, p. 669.

SAMUEL: of Lynn, a whaler; Nicholas Gatenby and William Fitchett of Hull were of her company in 1613:

Exam. 42, 28 Sept. and 15 Oct. 1614.

TREASURER: Captain Daniel Elfrith, accused of committing piracy on Spanish ships in the West Indies in 1619; fell in with the 'Neptune,' Edward Bruster, master, with Lord Delawarre on board, on her outward voyage in 1618; suit of Warwick (Earl) *c.* Bruster:

Lib. 80, No. 128; Lib. 81, No. 6; Lib. 82, Nos. 14, 39, 151, 152, 154; Exam. 109, 25 Nov. 1621; Exam. 110, 29 Nov. 1622, 14 June 1623; Exam. 44, 29 Jan. 1622, 2, 21, 29 Ap. 3 and 7 May, 11 July 1623, &c.; Oy. and Ter. 41, 31 March, 3 and 23 June 1620; Interr. 6, Nos. 70, 100.

TRIAL: bound to Virginia; piracy (Sir Ralph Bingley); at Kinsale:

Exam. 102, 19 June 1607; Exemp. 39, No. 190; Charterparty Miscell. 1132.

WILLIAM AND THOMAS: voyage to the Amazon in 1619:

Lib. 80, Nos. 8, 9; Interr. 6, No. 124; Exam. 43, 26 and 30 Jan., 1 Feb. 1620.

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REPORT OF THE COUNCIL, SESSION 1903–1904.

THE Council of the Royal Historical Society present their Annual Report to the General Meeting of the Fellows.

The following Papers and Communications were read during the past Session:—

'The Holy Maid of Kent.' By A. Denton Cheney.
'A Supposed Conspiracy against Henry VII.' By James Gairdner, C.B., LL.D., and I. S. Leadam, M.A.
'The Midland Revolt and the Inquisitions of Depopulation of 1607.' By Edwin Gay, Ph.D.
'The Finance of Malton Priory, 1244–1257.' By Miss R. Graham.
'Canning and Spanish America.' By Colonel E. M. Lloyd.
'The Minority of Henry III. (Part I.).' By G. J. Turner, M.A.
'Peter's Pence in England (Part II.).' By the Rev. O. Jensen, Ph.D.

With the exception of the last the above have been printed in *Transactions*, New Series, Vol. XVIII.

The President delivered his Annual Address on February 18, 1904. This also has been printed in *Transactions*, Vol. XVIII.

The Alexander Medal for the year 1903 was awarded, on the recommendation of the Examiners, to Miss E. M. G. Routh, formerly of Somerville College, Oxford, for her Essay on 'The Attempts to Establish a Balance of Power in Europe during the Second Half of the Seventeenth Century (1648–1702).' The Essay has been printed in the *Transactions*, Vol. XVIII.

The following subjects for the Alexander Medal were announced for the year 1904:—

'The Beginnings of the Cistercian Order.'
'Pitt's Position as Minister in the Last Years of George II., and the Circumstances to which it was due.'

In addition to the current volume of *Transactions* (N.S. Vol. XVIII.) the following volumes of *Publications* have been, or will be shortly, issued to Fellows and Subscribing Libraries:—

Camden, Third Series, Vol. VII. Despatches relating to the Third Coalition against Napoleon, 1804–5. Edited by J. H. Rose, Litt.D.

Camden, Third Series, Vol. VIII. The Minute Book of a Presbyterian Classis in the reign of Elizabeth. Edited by Roland G. Usher, Ph.D. (Harvard, U.S.A.)

The work of the Committee for furthering Advanced Historical Teaching in London has proceeded with marked and increased success during the past year. The editing, transcription, and publication of a Volume of the Pipe Roll of the Bishop of Winchester, by students attending the classes, under the guidance of the Literary Director of the Royal Historical Society, have given practical demonstration of the progress and care of this History School, the only organisation of the kind in Great Britain. But the Council wish to remind Fellows, and Historical Scholars generally, that the funds of this School are nearly exhausted, and that it will be impossible to carry on a work, the importance of which cannot be exaggerated, after April 1905, unless further endowments are provided. In the course of time the School may be expected to become self-supporting, but support from the outside is necessary at present.

During the past year an invitation was received from the Historical Society of Nova Scotia to send Delegates to the celebration of the three hundredth anniversary of the foundation of Port Royal. Mr. R. Hovenden, Hon. Treasurer, R.Hist.S., was nominated to represent the Society and attended the meeting.

A revised Catalogue of the *Transactions* and other Publications of the Historical Societies at home and abroad which exchange with this Society has been printed in *Transactions*, Vol. XVIII. Active steps are being taken to complete the various series.

During the past year the Society has acquired by exchange, from the University of Upsala, a large and valuable collection of materials for Swedish History, and of the early historians of Sweden. Negotiations are in progress for the acquisition by exchange of fifty volumes of the Historical and Archæological publications of the *Accademia Reale dei Lincei* of Rome.

The Librarian reports that during the past Session progress has been made with the slip catalogue of the Library. One hundred and seventy books and pamphlets have been added to the Library. Fifteen of these were acquired by purchase and 155 by exchange or presentation. During the Session 63 volumes were rebound.

During the year the Society has again had to deplore the loss of a distinguished Vice-President, Sir Leslie Stephen. Professor F. York Powell's death has removed one of our most eminent historical scholars and teachers. He was an Honorary Fellow of the Society. The Society has also lost by death Sir

H. M. Stanley, an Honorary Fellow, and Sir Albert Woods, Garter King-at-Arms, a Fellow.

In accordance with By-law V. the following were elected Honorary Vice-Presidents :—

The Rev. Canon Augustus Jessopp,
The Right Hon. Sir Horace Rumbold, Bt.
His Grace the Archbishop of York,
The Right Hon. Sir George Otto Trevelyan, Bt.

In accordance with By-law XVII. the following Vice-Presidents retired in rotation :—

Professor H. F. Pelham,
Dr. James Gairdner,

and were re-elected.

Professor C. H. Firth, Member of Council, was also elected a Vice-President.

The following Members of the Council retired also under By-law XVII. :—

The Rev. W. Cunningham,
Professor C. W. C. Oman,
Mr. I. S. Leadam,
The Venerable Archdeacon Thornton.

The first three were re-elected. Archdeacon Thornton retired. Professor T. W. Rhys Davids and Mr. R. G. Marsden were elected to fill the vacancies in the Council.

In the month of August Mr. R. Hovenden, Hon. Treasurer, was compelled to resign office, owing to severe illness. The Council desire to record their deep sense of the debt owed by the Society to their late Hon. Treasurer for his skilful and careful financial management and his valuable advice in the business of the Society generally. As a mark of their estimation of his services the Council elected Mr. Hovenden as an additional Member of Council.

The Council were fortunate enough to secure the services of Mr. H. R. Tedder, F.S.A., F.R.Hist.S, Secretary of the Athenæum, as Treasurer in succession to Mr. Hovenden. They confidently submit his name (under By-law XIX.) to the Fellows for election at the Annual Meeting.

The Treasurer reports that the total membership of the Society on October 31, 1904, included 512 Honorary, Corresponding, Life, and Ordinary Fellows. Of the above 24 are Honorary

Fellows, 21 Corresponding Members, 102 Life Fellows, 62 Ordinary Fellows paying £1. 1*s.* under the old regulations, 253 Ordinary Fellows paying £2. 2*s.* under the new regulations, 50 former Members of the old Camden Society paying £1.

There are also 153 Subscribing Libraries, paying £1. There are 56 British and Foreign Societies which exchange *Transactions* with this Society, and 5 Institutions to which the Society's *Transactions* or Publications are presented.

The number of Fellows joining the Society has been well maintained, and the membership of Libraries has increased. To promote the increase of the Society in the most desirable directions the Council have appointed Professor Firth, Mr. Tanner, and Professor Tout to be Honorary Local Secretaries in Oxford, Cambridge, and Manchester respectively, in the hope that they may be able to bring the advantages of the Society to the notice of the younger historical Scholars in the Universities. It is hoped that this plan may be still further extended.

The Council append to their Report a statement of the financial position of the Society from November 1, 1903, to October 31, 1904.

The official Information concerning the Society, the Charter, By-laws, List of Fellows, and Subscribing Libraries, with a catalogue of the Publications of the Society and a List of the Periodicals of Learned Societies in the Library, is printed in *Transactions*, Vol. XVIII.

ROYAL HISTORICAL SOCIETY.—BALANCE-SHEET FOR THE YEAR ENDING OCTOBER 31, 1904.

1903.		£	s.	d.	£	s.	d.
Nov. 1	To Balance at L. & S. W. Bank as per last Balance-Sheet				186	8	6
to	,, Cash Subscriptions 4 at 20*s.* for 1902	4	0	0			
Oct. 31,	,, ,, 19 ,, 1903	19	0	0			
1904.	,, ,, 185 ,, 1904	185	0	0			
	,, ,, 2 ,, 1905	2	0	0			
					210	0	0
	,, ,, 4 at 21*s.* for 1903	4	4	0			
	,, ,, 60 ,, 1904	63	0	0			
					67	4	0
	,, ,, 4 at 42*s.* for 1902	8	8	0			
	,, ,, 16 ,, 1903	33	12	0			
	,, ,, 209 ,, 1904	433	18	0			
	,, ,, 1 ,, 1905	2	2	0			
					483	0	0
	,, ,, 3 Life				63	0	0
	,, Dividends on Russian Stock				3	15	2
	,, Publications Sold				54	15	6
	,, Miscellaneous Receipts				4	4	10
					£1,072	8	0

1903.		£	s.	d.	£	s.	d.
Nov. 1	By Insurance (1903-4)				3	18	0
to	,, Salaries (Director's, Assistant Secretary's, and Travelling Expenses of Hon. Secretary, 1904-5)				185	0	0
Oct. 31,							
1904.	,, Binding *Transactions*, &c.				5	15	0
	,, Alexander Medal				3	3	0
	,, Printing and Stationery				304	0	9
	,, Editing and Indexing				51	3	9
	,, Advertising				5	0	6
	,, Sundry Petty Cash Payments				54	7	1
	,, Refreshments at Ordinary Meetings				8	0	0
	,, Societies' Subscriptions				9	9	0
	,, Rent, Rates, Taxes, Electric Light, and Coals				105	4	8
	,, Carriage of *Transactions*				8	7	5
	,, Entertainment in January 1904				24	5	4
	,, Two-thirds of four Life Compositions to Deposit Account				50	0	0
	,, Purchase of back numbers of the 'English Historical Review'				3	3	0
	,, Cheque Book, &c.				0	8	5
	,, Subscription refunded				2	2	0
					829	7	11
Oct. 31	To Cash Balance at London and South Western Bank				243	0	1
					£1,072	8	0

RESERVE FUND FOR THE YEAR ENDING OCTOBER 31, 1904.

	£	s.	d.
To Balance November 1, 1903	952	10	9
,, Dividends on £849. 9*s.* 9*d.* 2½ % Consols	20	4	6
,, Life Composition	56	0	0
,, Interest on Deposit at London and South Western Bank	2	5	10
	£1,031	1	1

1904.		£	s.	d.
Oct. 31.	By £849. 9*s.* 9*d.* 2½ % Consols and Brokerage	855	5	3
	,, Deposit Account at London and South Western Bank	175	15	10
		£1,031	1	1

	£	s.	d.
Alexander Medal Trust Fund			

1904.		£	s.	d.
Oct. 31.	By Russian 4 % Bonds deposited at the London and South Western Bank	98	17	6

We have compared the entries in the books with the vouchers from November 1, 1903, to October 31, 1904, and find them correct, showing the Receipts (including £186. 8*s.* 6*d.* Balance brought forward) to have been £1,072. 8*s.* 0*d.*, and the Expenditure to have been £829. 7*s.* 11*d.*, leaving a Balance of £243. 0*s.* 1*d.* at the London and South Western Bank October 31, 1904, in favour of the Society. The Bank of England Certificate, showing £849. 9*s.* 9*d.* Consols, and the London and South Western Bank Certificate for £175. 15*s.* 10*d.* on deposit and accrued interest thereon, were also produced.

WILLIAM J. CORBETT
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} *Auditors.*

Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

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Evans, Sir John, K.C.B., D.C.L., F.R.S., F.S.A., Nash Mills, Hemel Hempstead.
* Evans, W., The Spring, Kenilworth, Warwickshire.
* Ezard, Dr. Edward Henry, 220 Lewisham High Road, S.E.

* Falkiner, C. Litton, Mount Mapas, Killiney, co. Dublin.
Feasey, Rev. H. J. P., O.S.B., St. Augustine's, Ramsgate.
Felce, Ernest, 2 Kingsley Road, St. Stephen's, Norwich.
Fenwick, Miss Susan F., 8 Chilworth Street, Hyde Park, W.
* Ferguson, Professor John, M.A., LL.D., University, Glasgow.
* Ferrers, The Right Hon. Earl, Staunton Harrold, Melbourne, Derby.
Figgis, Rev. J. Neville, M.A., Marnhull Rectory, Blandford, Dorset.
* Finnemore, R. I., J.P., Westbury House, 287 Loop Street, Pietermaritzburg, Natal, South Africa.
FIRTH, CHARLES HARDING, M.A., LL.D., 2 Northmoor Road, Oxford.
Fisher, H. A. L., M.A., 34 Norham Road, Oxford.
Fitch, Edwin F., 66 Bishopsgate Street, E.C.
* Fitzgerald, Major William George.
FITZMAURICE, Lord EDMOND GEORGE, M.P., Leigh House, Bradford-on-Avon, Wilts.
Fitzmaurice-Kelly, J., 89 Oaklands Grove, W.
Fleming, Sandford, C.E., C.M.G., LL.D., Ottawa, Canada.
Fletcher, Banister F., F.R.I.B.A., F.S.I., 29 New Bridge Street, E.C.
* Fletcher, John S., Merle Wood, Virginia Water.
Fooks, William, M.A., LL.B., 2 Brick Court, Temple, E.C.
Forrest, George W., C.I.E., Rose Bank, Iffley, Oxford.
Forshaw, Charles F., F.R.S.L., F.R.C.I., Baltimore House, 26 Hanover Square, Bradford.
* Fortescue, The Hon. J. W., 59A Brook Street, W.
Fowler, W. Warde, M.A., Lincoln College, Oxford.
Fox, Francis F., F.S.A., Yate House, Chipping Sodbury, Gloucestershire.
* Freake, Lady.
Free, Rev. Richard W., M.A., St. Cuthbert's Lodge, Millwall, E.
Freeman, J. J., 23 Abingdon Street, W.
Fulford, Rev. John L. L., The School House, Atherstone, Warwickshire.
* Furnivall, Frederick J., M.A., Ph.D., D.Litt., 3 St. George's Square, Primrose Hill, N.W.

GAIRDNER, JAMES, C.B., LL.D., West View, Pinner, Middlesex.
Galton, Rev. Arthur, M.A., Edenham Vicarage, Bourne, Lincs.
Gardiner, F. J., Trevordale, Wisbech.
Gardner, Miss Alice, Newnham College, Cambridge.
Garrett, J. P., 38 Great James Street, Bedford Row, W.C.
* Garstin, John Ribton, M.A., F.S.A., M.R.I.A., Braganstown, Castle Bellingham, co. Louth.
GASQUET, The Right Rev. FRANCIS AIDAN, D.D., Principal of the Benedictine Order in England, 4 Great Ormond Street, W.C.
Geddie, D. H., Public Library, Grimsby.
* Geikie, R., M.A., 10 Chester Terrace, Regent's Park, N.W.
Gerring, Charles, Westdale Villas, Gedling, Nottingham.
Gibraltar, The Right Rev. Lord Bishop of, D.D., 24 Steele's Road, South Hampstead.
Giuseppi, M. S., F.S.A., Public Record Office, Fetter Lane, E.C.
* Gooch, G. P., M.A., South Villa, Campden Hill Road, W.
* Gough, Henry, Sandcroft, Redhill, Surrey.
Gower, Lord Ronald, Hammerfield, Penshurst, Kent.
Graham, Miss Rose, 12 Ladbroke Gardens, Notting Hill, W.
Grant, Professor Arthur J., M.A., 22 Hyde Terrace, Leeds.
* GRANT DUFF, The Right Hon. Sir MOUNTSTUART ELPHINSTONE, G.C.S.I., F.R.S., 11 Chelsea Embankment, S.W.; and Lexden Park, Colchester.
Green, F. W., 470 Mayfield Villas, Merton Road, Southfields, S.W.
Green, Mrs. J. R., 36 Grosvenor Road, Westminster, S.W.
* Green, T. J. Shipton, Warberry House, Bishop's Down, Tunbridge Wells.

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Green, W. D., M.P., Claremont, Wednesbury.

Hackney, Baroness Amherst of, Didlington Hall, Brandon, Norfolk.
*‡Hailstone, Edward, 16 Rue Boursault, Paris.
Haines, C. R., M.A., Meadhurst, Uppingham.
Hale, Surgeon-Major Thomas Egerton, B.A., M.D., V.C., Faddiley Lodge, near Nantwich, Cheshire.
Hales, Professor J. W., M.A., F.S.A., 1 Oppidans Road, Primrose Hill, N.W.
HALL, HUBERT, F.S.A., *Director*, 2 Paper Buildings, Temple, E.C.
Harben, Sir Henry, Seaford Lodge, Fellows Road, N.W.
Hare, Sholto H. 7 Litfield Place, Clifton.
Harris, James Howard, Porthleven, Helston, Cornwall.
* HARRISON, FREDERIC, M.A., Elm Hill, Hawkhurst, Kent.
* Harvey, William Marsh, Goldington Hall, Bedford.
Hassall, A., M.A., Christ Church, Oxford.
* HAVERFIELD, F., M.A., F.S.A., Christ Church, Oxford.
Hay, James A. C., C.E., M.R.S.G.S., 12 Copers Cope Road, Beckenham, Kent.
Headlam, J. W., M.A., 1 St. Mary's Road, Wimbledon.
Healey, Edward Charles, Wyphurst, near Guildford.
Heaton, R. W., M.A., Government Library, Pretoria, S. Africa.
Heaton, Rev. W. J., Royal Mount, Cowes, Isle of Wight.
Herries, The Right Hon. Lord, Everingham Park, York.
Hewitt, Charles R., 176 Northfield Lane, Ealing, W.
Hewlett, Maurice, 7 Northwick Terrace, N.W.
Hill, Mrs. Mary, Leighton House, near Heston, Cheshire.
Hill, Rev. H. Ernest, Abbey School, Beckenham.
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Hill, Samuel Thomas, F.R.G.S., Stebonhethe, Northcote Road, St. Margaret's, Twickenham.
* Hinmers, William, Cleveland House, Eccles Old Road, Pendleton.
Hitchin-Kemp, F., 6 Beechfield Road, Catford, S.E.
Hoare, S. J. G., B.A., Sidestrand Hall, Cromer.
HODGKIN, THOMAS, D.C.L., F.S.A., Barmoor Castle, Beal, Northumberland.
Hodgson, Shadworth Hollway, 45 Conduit Street, W.
Holmes, Emra, F.R.S.A.I., Hillfield, Oundle, Northants.
Holmes, Rev. Chancellor T. Scott, M.A., East Liberty, Wells, Somerset.
Hooper, George N., Elmleigh, Hayne Road, Beckenham, S.E.
Hornby, Rev. James John, D.D., F.R.G.S., Provost of Eton, Eton College, Windsor.
* Horniman, F. J., M.P., Surrey Mount, Forest Hill, S.E.
* Horrocks, J. W., Gill Terrace, Moston Lane, Blackley, Manchester.
* Hovenden, Frederick, Glenlea, Thurlow Park Road, West Dulwich, S.E.
HOVENDEN, ROBERT, F.S.A., Heathcote, Park Hill Road, Croydon.
Howard-Watson, J. A., F.R.G.S., F.R.S.L., 29 Sandringham Road, Waterloo, near Liverpool.
Hughes, William E., 89 Alexandra Road, South Hampstead.
Humphery, George Richard, 16 St. Donatt's Road, New Cross, S.E.
HUNT, Rev. WILLIAM, M.A., D.Litt., *President*, 24 Phillimore Gardens, Campden Hill, W.
Hurlbatt, Miss E., Bedford College, York Place, Baker Street, W.
Hutton, Rev. William Holden, B.D., St. John's College, Oxford.

Irvine, William, Hollescroft, 49 Castelnau, Barnes, S.W.

Jago-Trelawny, Major-General John, F.R.G.S., Coldrenick, Liskeard, Cornwall.
JEBB, Professor Sir R. C., Knt., Litt.D., D.C.L., LL.D., M.P., Springfield, Cambridge.

JESSOPP, The Rev. Canon AUGUSTUS, D.D., F.S.A., Scarning Rectory, East Dereham, Norfolk.
* Jones, Joseph, Abberley Hall, Stourport, Worcestershire.
Jones, Rev. E. Humphrey, The Rectory, Lydiard Tregoz, Swindon, Wilts.

His Highness Kerala Varma, C.S.I., Trivandrum, Travancore, India.
Kirkpatrick, Robert, 1 Queen Square, Strathbungo, Glasgow.
Kitto, John Vivian, Ripple Vale House, near Dover.
* Knaus, C. T., F.R.G.S., 28 Marlborough Road, Bradford.
Krishna, T. Rama, B.A., Thottakaddan House, Poonamalli Road, Madras, India.
Kushal Pal Sinh, Rais of Kotla, Kotla, Agra, India.

de Lamarre, Louis Bert, Bridgetown, Barbados, B.W.I.
Langhorne, W. B., Buckland House, Buckland St. Mary, Chard, Somerset.
Langley, Rev. A. S., 25 West Street, Newcastle, Staffs.
Lapsley, G. T., M.A., Ph.D., Trinity College, Cambridge.
* Larkin, Matthew, J.P., F.R.G.S.
LEADAM, ISAAC SAUNDERS, M.A., 1 The Cloisters, Temple, E.C.
LEATHES, STANLEY, M.A., 4 Clement's Inn, W.C.
LEE, SIDNEY, Litt.D., 108 Lexham Gardens, Kensington, W.
* Leonard, Miss E. M., 1 Lindfield Gardens, Hampstead, N.W.
Lewis, Rev. Thomas Curling, Dodbrooke Rectory, Kingsbridge, Devon.
* Liberty, Arthur Lasenby, F.R.S.S., F.Z.S., J.P., The Manor House, The Lee, near Great Missenden, Bucks.
Little, Andrew G., M.A., Oakleigh, Holly Bush Lane, Sevenoaks.
LLOYD, Colonel E. M., R.E., Glenhurst, Brighton Road, Sutton.
* Lloyd, Rev. John, M.A.
Lloyd, J. A., The Studio, Marlborough, Wilts.
LLOYD, RICHARD DUPPA, 2 Addison Crescent, Kensington, W.
* Lobb, John, F.R.G.S., Carlton House, Victoria Park Road, South Hackney.
Lockhart, Arthur W., Christ's Hospital, West Horsham.
* Lodge, Professor R., M.A., 25 Hope Terrace, Edinburgh.
Lucas, Frank W., Ferndale, Westcombe Park Road, Blackheath, S.E.
Luck, H. Courtenay, F.R.G.S., J.P., Norman Chambers, Creek Street, Brisbane, Queensland.
* Lydall, John French, 37 John Street, Bedford Row, W.C.
* Lyle, Thomas, M.A., The Hollies, 41 Beckenham Road, Beckenham, Kent.

* Macandrew, W., Westwood House, near Colchester.
* Mackeson, Edward, F.S.A.
Madeley, Rev. Walter, M.A., School House, Woodbridge.
Maguire, Thomas Miller, M.A., LL.D., Earl's Court Square, S.W.
MAITLAND, Professor F.W., M.A., LL.D., D.C.L., Downing College, Cambridge.
MALDEN, HENRY ELLIOT, M.A., *Hon. Sec.*, The Beacon, St. Catherine's, Guildford.
Marriott, W. K., Manor House, Great Baddow, Essex.
* MARSDEN, R. G., M.A., 13 Leinster Gardens, Lancaster Gate, W.
Marsh, Dr. G. W. B., B.A., 40 Tachbrook Street, S.W.
Mathews, E. R. N., Librarian, Public Libraries, Bristol.
Maurice, A., 23 Bedford Street, Strand, W.C.
Medley, Prof. D. J., M.A., 6 University Gardens, Glasgow.
Mercer, W. J., 12 Marine Terrace, Margate.
Merriam, C. P., 79 Highbury New Park, N.
Merriman, Roger B., M.A., Stoneyhurst, Intervale, New Hampshire, U.S.A.
* Metcalfe, Rev. James, M.A., West Royd, 6 Edith Road, West Kensington, S.W.
* Miggs, John Gilbert.
Miles, Colonel S. B., c/o Messrs. H. S. King & Co., 9 Pall Mall, S.W.

Milman, Rev. W. H., M.A., Sion College, Victoria Embankment, E.C.
Moloney, Sir Cornelius Alfred, K.C.M.G.
Money-Coutts, Francis Burdett, Walsingham House, Piccadilly.
Montague, Professor F. C., 177 Woodstock Road, Oxford.
Moon, Zebedee, Librarian, Public Library, Leyton.
* Moore, Norman, M.D., 94 Gloucester Place, Portman Square, W.
MORLEY, Rt. Hon. JOHN, M.P., Flowermead, Wimbledon Park, Surrey.
Morris, A., Gwynfa, Gold Tops, Newport, Mon.
Morris, Rev. W. Meredith, Garth Parsonage, Maesteg, S. Wales.
Morrison, Hew, Librarian, Public Library, Edinburgh.
Munich, Charles J., The War Office, Cleveland House, St. James's Square, S.W.

Naylor, Robert Anderton, F.R.G.S., Cuerden Hall, Thelwall, Cheshire.
Newland, H. O., Rawdon, Rastell Avenue, Telford Park, S.W.
Nichols, John Bruce, Parliament Mansions, Victoria Street, S.W.
Nihjoff, Martinus, The Hague, c/o D. Nutt, Long Acre, W.C.
Northampton, The Most Honourable the Marquis of, K.G., 51 Lennox Gardens, S.W.
Northumberland, His Grace the Duke of, K.G., 2 Grosvenor Place, S.W.

OMAN, C. W. C., M.A., F.S.A., All Souls College, Oxford.
Ord, Clement, M.A., Athelney, All Saints' Road, Clifton, Bristol.
Osborn, John L., Elmcroft, Winterbourne Down, near Bristol.
Osborne, H. Claude, Military Hill School, Dover.

PALMER, JAMES FOSTER, L.R.C.P., M.R.C.S.E., 8 Royal Avenue, Chelsea College, S.W.
Parker, John W., Heathside Schools, Warrington.
Parkin, Thomas, M.A., F.R.G.S., Fairseat, High Wickham, Hastings.
Parmelee, G. W., B.A., D.C.L., Department of Public Instruction, Quebec, Canada.
* Parr, J. Charlton, Grappenhall Heyes, Warrington.
Paterson, Arthur, 4 Pilgrim's Road, Hampstead.
Patterson, James K., Ph.D., LL.D., President of the Agricultural College, Lexington, Kentucky, U.S.A.
Patterson, Rev. M. W., M.A., Trinity College. Oxford.
Paul, H. W., M.A., 13 Tite Street, Chelsea, S.W.
Pedrick, J. Gale, 110 St. Martin's Lane, W.C.
PELHAM, Professor H. F., M.A., President of Trinity College, Oxford.
Pembroke, The Right Hon. the Earl of, F.R.G.S., Wilton House, Salisbury, Wilts.
Penny, Arthur Paul, 18 Bedford Place, W.C.
* Perry, Lieut.-Col. Ottley, J.P., F.R.G.S., F.S.A., Roxwell, Northwood, Middlesex.
* Peyster, General John Watts de, 59 East 21st Street, New York.
Pflugk-Harttung, Professor Dr. Julius von, 23 Spenerstrasse, Berlin, N.W.
Pierce, Rev. F. Dormer, M.A., Wickford Rectory, Essex.
Pike, Rev. Clement E., 100 King Henry's Road, Hampstead, N.W.
Pink, W. Duncombe, J.P., Winslade, Lawton, Newton-le-Willows, Lancs.
Pollard, A. F., M.A., 85 Erpingham Road, Putney.
POLLOCK, Sir F., Bt., LL.D., F.S.A., 13 Old Square, Lincoln's Inn, W.C.
Poole, S. H., Hadleigh House School, Littlehampton.
* Porges, Theodore, F.R.G.S., 17 Avenue Friedland, Paris.
Pratt, A. T. C., 6 Templar Street, Camberwell, S.E.
PROTHERO, G. W., M.A., Litt.D., LL.D., 24 Bedford Square, Bloomsbury.
Prothero, R. E., M.A., 3 Cheyne Walk, Chelsea, S.W.
Pym, Guy, M.P., 35 Cranley Gardens, S.W.

Radford, J. T., Canterbury Villas, 23 Cranmer Street, Nottingham.
Radice, Mrs. Charles, Fernwood, Wimbledon Park, S.W.
Ragg, Rev. F. W., M.A., Masworth Vicarage, near Tring.
RAMSAY, Sir JAMES HENRY, Bt., M.A., Alyth, Banff, N.B.
Rankin, J. R. Lea, Ashmead, Dursley, Glos.
* Rashdall, Rev. H., M.A., New College, Oxford.
Ravenshaw, J., B.A., 10 West Hill, Highgate, N.
* Reddaway, William F., M.A., King's College, Cambridge.
Redstone, V. B., Mill Hill, Woodridge.
Reichel, H. R., M.A., Principal, University College, Bangor.
Relton, Rev. F., M.A., St. Andrew's Vicarage, Stoke Newington, N.
Renshaw, Walter Charles, K.C., Sandrocks, Haywards Heath.
* Richards, H. C., K.C., M.P., 2 Mitre Court Buildings, Temple, E.C.
Ripon, The Most Hon. the Marquess of, K.G., D.C.L., F.R.S., 9 Chelsea Embankment, S.W.
* Robinson, Wilfrid C., 13 Wulfhage Street, Bruges, Belgium.
Ropes, Arthur Reed, M.A., 31 Addison Mansions, Kensington, W.
Rose, J. Holland, M.A., Litt.D., 11 Endlesham Road, Balham, S.W.
* ROSEBERY, The Right Hon. the Earl of, K.G., 38 Berkeley Square, W.
Ross, Lieut.-Col. Wm. G., The National Provincial Bank of England, Limited, 88 Cromwell Road, S.W.
* Routh, Miss E. M. G., Stone House, Wandsworth Common, S.W.
RUMBOLD, The Right Hon. Sir HORACE, Bt., G.C.B., 127 Sloane Street, S.W.
Rushmore, F. M., M.A., St. Catherine's College, Cambridge.
* Russell, Hon. Rollo, Dunrozel, Haslemere.
Rylands, Mrs., The John Rylands Library, Manchester.
Rymer, Samuel Lee, J.P., Pevensey, Wellesley Road, Croydon.

Sadler, Wilson D., M.A., 107 Holly Road, Northampton.
* Safford, John Burham, F.G.S., 13 Old Queen Street, St. James's Park, S.W.
Score, H. Berkeley, Lathom Park, Ormskirk.
SECCOMBE, THOMAS, M.A., 45 Madeley Road, Ealing.
SEEBOHM, FREDERIC, LL.D., F.S.A., The Hermitage, Hitchin.
* Seebohm, Hugh Exton, M.A., The Hermitage, Hitchin.
Shannon, J. S., St. Martin's School, York.
Shelley, Sir J. C. E., Bart., Avington, Alresford, Hants.
Sherren, John Angel, J.P., Helmsley, Stavordale Road, Weymouth.
Short, R. M., Herbert Road, Solihull, near Birmingham.
Sidney, Philip, Royal Societies' Club, St. James's Street, S.W.
Sieveking, A. F., 12 Seymour Street, Portman Square, W.
Sikes, Rev. Thomas B., M.A., Warbleton Rectory, Heathfield, Sussex.
* Simpson, Edward, Walton Hall, Wakefield.
* Simson, Alfred, The Postern, Tonbridge, Kent.
Skeel, Miss C. A. J., Litt.D., Westfield College, Hampstead.
Skrine, F. H., 147 Victoria Street, S.W.
Smart, F. W. B., Charterhouse, Godalming.
Smith, A. L., M.A., The King's Mound, Oxford.
Smith, Hubert, Brooklynne, Willes Road, Leamington Spa, Warwickshire.
Smith, Samuel, Librarian, Public Libraries, Sheffield.
Smythe, David M., Methuen Castle, Perth.
Soper, H. T., 69 Pennsylvania Road, Exeter.
Sotheran, H. C., 5 Cheyne Walk, Chelsea, S.W.
Southam, Lieut.-Colonel H. R. H., F.S.A., Innellan, Shrewsbury.
Southam, Lionel Arthur Clement, Rodney House, Malvern Link.
Spry, William James Joseph, R.N., F.R.G.S., Therapia, 10 Craneswater Avenue, Craneswater Park, Southsea.
St. Cyres, Viscount, Pynes, Exeter.
*Stanley, Walmsley, F.R.G.S., The Knowle, Leigham Court Rd., Streatham, S.W.

Stead, Richard, B.A., 13 Bolton Villas, Bradford, Yorks.
Steele, Joseph, M.D., c/o Mr. Alderman Rymer, J.P., Wellesley Road, Croydon.
STEVENSON, W. H., M.A., St. John's College, Oxford.
* Stewart, General Alexander P., LL.D.
Stockdale, Thomas.
* Strathcona and Mount Royal, The Right Hon. Lord, 28 Grosvenor Square, W.

Tanner, J. R., M.A., St. John's College, Cambridge.
* Taylor, Miss Helen, Avignon, France.
Taylor, R. W. Cooke, H.M. Factory Department, 39 Victoria Street, S.W.
TEDDER, H. R., F.S.A., *Hon. Treasurer*, The Athenæum, Pall Mall, S.W.
Terry, George P. W., 33 Dalmore Road, West Dulwich, S.E.
Terry, Rev. G. F., F.S.A., F.R.S.L., All Souls' Vicarage, 88 Finchley Road, N.W.
Thornton, Percy M., M.P., Battersea Rise House, West Side, Clapham Common.
Thornton, Rev. Canon F. S., The Rectory, Downham, near Ely, Cambs.
Thorp, John T , F.R.S.L., 57 Regent Road, Leicester.
Thrupp, Miss Adelaide, Merrow House, near Guildford.
Titcombe, Rev. J. C., Seckford Hospital, Woodbridge.
Tompkins, H. W., Verulam, Honiton Road, Southend-on-Sea.
Torbitt, William S., M.A., Education Offices, Ilford.
Torr, Herbert James, Morton Hall, Swinderby, Lincoln.
Tout, Professor T. F., M.A., 21 Mauldeth Road, Withington, Manchester.
Traherne, Capt. George G., R.A., Coedarhydyglyn, Cardiff.
Traherne, L. E., Coedarhydyglyn, Cardiff.
* Trevelyan, G. M., 2 Cheyne Gardens, S.W.
Trevelyan, The Right Hon. Sir G. O., Bt., D.C.L., LL.D., D.L., 8 Grosvenor Crescent, S.W.
Turnell, C. M., B.A., Cleveland House, Weymouth.
Turner, Fred A., Waverley Cottage, Adelaide Road, Brentford, W.
* Turton, Robert Bell, Kildale Hall, Grosmont, Yorks.

Udal, The Hon. John Symonds, F.S.A., Chief Justice of the Leeward Islands, Antigua, West Indies.

Ventura, M., 17 Coleman Street, E.C.
Verney, Lady, Claydon House, Winslow, Bucks.
Vincent, J. A., Needham Market, Suffolk.
Vinogradoff, Professor Paul, 39 St. Margaret's Road, Oxford.

Wade, C. E., M.A., 6 Alexandra House, St. Mary's Terrace, Paddington, W.
* Wagner, Henry, F.S.A., 13 Half Moon Street, Piccadilly, W.
Walford, John Edward, C.C., 73 Knightrider Street, E.C.
* Walker, Philip F., F.R.G.S., 36 Princes Gardens, S.W.
* Walker, Robert, F.R.G.S., Ormidale, Knighton Park Road, Leicester.
Walker, Rev. Thomas J., M.A., 112 Lister Lane, Halifax.
* Wallace, Sir Donald MacKenzie, St. Ermin's Mansions, Caxton Street, S.W.
Wallis, John E. P., M.A.
Walsh, Walter, 392 Clapham Road, S.W.
WARD, ADOLPHUS WILLIAM, Litt.D., LL.D., Master of Peterhouse, Cambridge.
Ward, John Edward, F.R.G.S., Woolmer Hill House, Haslemere.
Warren, Lieut-General Sir Charles, K.C.B., F.R.S., R.E., 10 Wellington Crescent, Ramsgate.
Waters, W. G., 7 Mansfield Street, Portland Place, W.
Watson, E. J., St. John's Arch, Bristol.

* Watts, Rev. Herbert C., Springfield, Brent, South Devon.
Weaver, Rev. F. W., M.A., F.S.A., Milton Vicarage, Evercreech, Somerset.
Webb, Sidney, L.C.C., LL.B., 141 Grosvenor Road, S.W.
Webb, T., 45 High Street, Andover.
Wedgwood, James I., All Saints' Rectory, York.
Welby, The Right Hon. Lord, G.C.B., 11 Stratton Street, W.
Welch, Charles, F.S.A., Corporation Library, Guildhall, E.C.
Wesley, E. F., 28 Essex Street, Strand, W.C.
* Whatton, J. S., M.A., Turret Lodge, Frinton-on-Sea.
Wheeler, Frederic Evelyn, VIII. Langegasse 7, Vienna.
Whitehead, Sir James, Bart., Wilmington Manor, near Dartford, Kent.
*Whitehead, Rev. J. H., M.A.
Whiteley, J. G., 223 West Lanvale Street, Baltimore, U.S.A.
Whiteway, R. S., Brownscombe, Shottermill, Surrey.
Whitley, Rev. W. T., M.A., LL.M., 7 Wolseley Road, Preston.
Whitney, Rev. J. P., 5 Adam's Road, Cambridge.
Whitwell, Robert J., B.Litt., 70 Banbury Road, Oxford.
Willcock, Rev. J., B.D., St. Ringan's Manse, Lerwick, N.B.
Williams, E. P., Elmhurst, Westcombe Park Road, Blackheath, S.E.
* Williams, Rev. J. D., M.A.
Williams, Rev. J. Lloyd, B.A., School House, Pontardawe, R.S.O., Glamorganshire.
Williams, Miss Margaret Elizabeth, 83 Grove Street, Liverpool.
Williams, Richard, Celynog, Newtown, North Wales.
Williams, Dr. Thos. E. H., Junior United Service Club, Charles Street, S.W.
Williamson, A., M.A., 156 University Avenue, Belfast.
Williamson, John M., Melville House, Overhill Road, Dulwich, S.E.
Willis, W. R., 20 Portland Street, York.
Wilson, H. W., 144 Elgin Avenue, W.
Wood, William, 28 St.Mary-at-Hill, Eastcheap, E.C.
Woodroffe, Prof. Latham James, M.A., Eversley, Park Avenue, Sandymount, Co. Dublin.
* Worsfold, Thomas Cato, F.R.S.L., Addison House, Balham Hill, S.W.
Wright, Chas. M., Neale Lodge, Beulah Hill, Norwood, S.E.
Wright, W. H. K., Free Library, Plymouth.
Wurtzburg, John Henry, Ferns, Moorfield Road, Ben Rhydding.
Wyatt-Davies, Ernest, M.A., 7 Bridge Street, Cambridge.
Wyles, Thomas, F.G.S., The College, Buxton.

York, His Grace the Archbishop of, Bishopthorpe, York.
Young, Rev. David, D.D., 18 Castle Bar Road, Ealing, W.
Young, Hubert Edward, Claremont, Amersham Road, High Wycombe, Bucks.

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